

Draft Regulation

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

Pesticides Management Code

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 Pesticides Management Code and Regulation to amend the Regulation respecting the application of the Environment Quality Act, the text of which appears below, may be made by the Gouvernement du Québec upon the expiry of a 60-day period following this publication.

The draft Regulation proposes a series of measures whose purpose is essentially to minimize damage to the environment due to the storage, sale and use of pesticides and to reduce the risk of contamination of various surroundings and of exposure of adults and children to pesticides. It also integrates certain provisions currently in force under certain regulations made under the Environment Quality Act, that is, the Regulation respecting the application of the Environment Quality Act and the Regulation respecting the use of DDT.

To that end, the draft Regulation establishes installation standards for the safe storage, loading and unloading of pesticides and buffer zones alongside watercourses, bodies of water and wells. It also provides standards for the use of pesticides, prohibitions for the use of certain pesticides in public, parapublic and municipal green spaces and in certain areas used by children. Inside and outside childcare centres, primary and secondary schools, only certain pesticides will be authorized.

Finally, the draft Regulation includes provisions that will reduce the use of pesticides in urban areas, that is, restrict direct access to domestic pesticides in stores and the prohibition of the sale of pesticide-fertilizer mixes and certain pesticides for domestic use to the general public.

The Pesticides Management Code and Regulation to amend the Regulation respecting the application of the Environment Quality Act will have some financial impact on businesses and public, parapublic and private institutions and residential landowners, namely because of the requirements for the storage and display of domestic pesticides, the prohibited use of certain pesticides, the buffer zones for wells, bodies of water and inhabited areas.

Further information on the Pesticides Management Code and Regulation to amend the Regulation respecting the application of the Environment Quality Act may be obtained by contacting :

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Any interested person having comments to make on the draft Regulation is asked to send them in writing before the expiry of the 60-day period to the Ministère de l'Environnement at the above address.

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Minister of the Environment*

Pesticides Management Code and Regulation to amend the Regulation respecting the application of the Environment Quality Act

Pesticides Act
(R.S.Q., c. P-9.3, ss. 101, 104, 105, 105.1, 106, 107 and 109, pars. 2 and 13)

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

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SCHEDULE I (ss. 23, 29 and 63)

- Prohibited active ingredients

SCHEDULE II (ss. 30 and 31)

- Authorized active ingredients

Pesticides Management Code and Regulation to amend the Regulation respecting the application of the Environment Quality Act

Pesticides Act
(R.S.Q., c. P-9.3, ss. 101, 104, 105, 105.1, 106, 107 and 109, pars. 2 and 13)

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

CHAPTER I INTERPRETATION AND SCOPE

1. In this Code,

“administrative region” means any region established by Décret 2000-87 dated 22 December 1987 concerning the revision of Québec administrative regions as it reads at the time it applies; (*région administrative*)

“entrapment work” means a floor, a platform or watertight basin, built so as to entrap any pesticide leak or spillage and to recover them completely; (*aménagement de rétention*)

“label” means the label governed by the Pest Control Products Act (R.S.C. (1985), c. P-9) and by the Pest Control Products Regulations (C.R.C., c. 1253); (*étiquette*) and

“protected immovable” means

(1) a built-up lot located within a built-up area as determined by a development plan or a metropolitan development plan, except a lot zoned by municipal authorities for industrial purposes;

(2) any of the following buildings located outside a built-up area, including the 30-metre strip around such building belonging to the owner of the building :

(a) a residential dwelling, except if it is located in a forest area and lived-in only periodically ;

(b) a public building within the meaning of the Public Buildings Safety Act (R.S.Q., c. S-3) or any other executive or commercial building ; and

(c) a tourist accommodation establishment within the meaning of section 1 of the Regulation respecting tourist accommodation establishments made by Order in Council 1111-2001 dated 19 September 2001 ; and

(3) the land at

(a) a recreation, sports or cultural centre ;

(b) an outdoor recreation centre or a nature education centre ;

(c) a camping establishment referred to in paragraph 9 of section 7 of the Regulation respecting tourist accommodation establishments ;

(d) a municipal park or a public beach ;

(e) a golf club ;

(f) an ecological reserve established under the Ecological Reserves Act (R.S.Q., c. R-26.1) ; and

(g) a park established under the Parks Act (R.S.Q., c. P-9) or under the National Parks Act (R.S.C. (1985), c. N-14). (*immeuble protégé*)

The expression “watercourse or body of water” includes intermittent watercourses, ponds, marshes, swamps or wetlands, except for peatlands or part thereof in operation but does not mean ditches ; any distance from a watercourse or body of water shall be measured from the normal high water mark as defined in the *Politique de protection des rives, du littoral et des plaines inondables* made by the Government in accordance with section 2.1 of the Environment Quality Act (R.S.Q., c. Q-2).

2. References to a class of pesticides, classes and subclasses of permits and certificates are to classes of pesticides, classes and subclasses of permits and certificates determined by the Regulation respecting permits and certificates for the sale and use of pesticides made by Order in Council 305-97 dated 12 March 1997.

3. This Code applies in particular in a reserved area or agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

4. This Code applies to pesticides referred to in the Regulation respecting permits and certificates for the sale and use of pesticides, except pesticides referred to in section 9 of that Regulation. Notwithstanding the preceding, only sections 24, 27, 28, 30 and 31 of this Code apply to Class 5 pesticides referred to in that Regulation.

CHAPTER II STORAGE

DIVISION I GENERAL

5. Every pesticide must be stored in a place where ambient conditions, in particular temperature, humidity or precipitations are not likely to alter the pesticide, its container or label. It must also be stored so as not to let its content be released into the environment.

This section does not apply to a Class 4 pesticide stored for personal use or for somebody else’s free of charge.

6. Any person who stores a pesticide in a place where the storage capacity is equal to or greater than 5 000 litres or 5 000 kilograms shall immediately notify Urgence-Environnement under the authority of the Minister of the Environment in case of fire on the storage premises and give at the same time the nature of the stored pesticide and the approximate quantity found in that location.

DIVISION II STORAGE IN A TANK OR MOBILE TANK

7. In this Division, “mobile tank” means a tank with a capacity of 1 000 litres or more used to store liquid pesticides, that may be attached to a truck, trailer or semi-trailer and that can be moved.

“Tank” means a tank with a capacity of 1 000 litres or more, permanently installed and used for the storage of liquid pesticides, except for the purposes of section 8.

8. It is prohibited to bury a pesticide tank.

9. A tank and mobile tank must be kept closed outside of loading and unloading periods in order to prevent any pesticide discharge.

10. A tank must be installed in an entrapment work and protected by bumpers.

An entrapment work should be able to contain at least 110% of the capacity of the largest tank in the same entrapment work.

11. In storage, a mobile tank must be placed in an entrapment work except for a mobile tank containing pesticides that have been prepared or diluted.

An entrapment work should contain at least 110% of the capacity of the largest mobile tank in the same entrapment work.

12. Pesticides must be loaded into or unloaded from a tank or a mobile tank in the entrapment work, except for pesticides that have been prepared or diluted.

An aircraft does not have to be placed in the entrapment work for loading or unloading.

13. Pesticides or precipitation water that accumulated in an entrapment work must be removed immediately after a pesticide leak or release or when the precipitation ceases.

14. Any person who stores pesticides in a tank, mobile tank or tank car must control the use of the loading and unloading pipes by a safety device preventing their use outside the loading and unloading periods.

DIVISION III **STORAGE OF CERTAIN PESTICIDES**

15. It is prohibited to store Class 1, Class 2 or Class 3 pesticides in a flood area, mapped and identified in a development plan or a metropolitan development plan or in a municipal zoning by-law having

(1) a flood recurrence of between 0-20 years; and

(2) a flood recurrence of between 20-100 years, except where the storage site is flood proof.

However, the above prohibitions do not apply in either of the following cases:

(1) where the holder of a Class C1, C7, D1 or D7 permit stores those pesticides for a period shorter than 45 consecutive days, between 1 June and 28 February; or

(2) where the operator of the storage site holds a certificate of conformity issued by CropLife Canada before (*enter the date of coming into force of this Regulation*); the authorized storage site is restricted in that case to the certified storage site existing on that date.

16. It is prohibited to store Class 1, Class 2 or Class 3 pesticides

(1) less than 300 metres from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water (R.R.Q., 1981, c. Q-2, r. 5) or for the supply of a water network if, in the latter case, the daily capacity of the water intake is 75 cubic metres or more; and

(2) less than 50 metres from any other water intake, from a spring used for human or livestock or from a watercourse or body of water.

However, those prohibitions do not apply where the operator of the storage site holds a certificate of conformity issued by CropLife Canada before (*enter the date of coming into force of this Regulation*); the authorized storage site is restricted in that case to the certified storage site existing on that date.

17. Any person who stores Class 1, Class 2 or Class 3 pesticides on (*enter the date of coming into force of this Regulation*) in prohibition of sections 15 or 16 has two years following that date to comply with the provisions.

18. Holders of a Class A, B, C, D4 or D10 permit must store Class 1, Class 2 or Class 3 pesticides in a room, a building or an outdoor storage area equipped with an entrapment work, except for pesticides stored in a mobile tank or a tank described in section 7.

19. Holders of a Class A, B, C, D4 or D10 permit who, in a storage site, loads or unloads Class 1, Class 2 or Class 3 pesticides into spreading equipment or unloads them from such must do so in an entrapment work.

When an aircraft is being loaded or unloaded, it does not have to be placed in the entrapment work.

Moreover, such permit holders must have on the operation site the appropriate equipment and material to stop any leak or release of pesticides during the operations and to proceed, where applicable, with cleaning the soiled premises.

Where a leak or release of pesticides occurs, such holders shall immediately take measures to stop it and proceed with cleaning the soiled premises.

20. A person who stores Class 1, Class 2, Class 3 or Class 4 pesticides must post in a conspicuous place near the entrance to the storage site a sign giving the following services with their telephone numbers:

- (1) the Centre Anti-Poison du Québec;
- (2) Police and Fire services of the municipality;
- (3) Urgence-Environnement Québec;
- (4) the regional office of the Ministère de l'Environnement; and
- (5) the Canadian Transport Emergency Centre (CANUTEC).

This section does not apply to the storage of Class 4 pesticides for personal use or for someone else's use free of charge.

DIVISION IV CIVIL LIABILITY INSURANCE

21. A person who stores pesticides for sale or for paid work on a site the storage capacity of which is greater than 10 000 litres or 10 000 kilograms of pesticides shall keep in effect, for the whole duration of storage and for the minimum amounts given hereunder, a civil liability insurance policy for damage to the environment arising from storage or from accidental and sudden events occurring on the storage site:

- (1) \$750 000, where the storage capacity is less than 100 000 litres or 100 000 kilograms; or
- (2) \$1 000 000, where the storage capacity is equal to or greater than 100 000 litres or 100 000 kilograms.

This section does not apply to the Government, its departments and bodies.

22. The civil liability insurance policy shall include a provision under which the insurer pledges to notify the Minister of the Environment within 48 hours following the revocation, cancellation, termination of or the amendment to the coverage of the insurance policy.

CHAPTER III SALE

23. It is prohibited to sell or offer for sale Class 4 pesticides that contain one of the active ingredients listed in Schedule I and intended to be applied during the following ornamental plant work:

(1) wherever decorative or ornamental plants are grown, except in a building, to destroy and control plants or animals harmful to such plants, to control the growth of plants or protect them from parasitic diseases;

(2) in walkways, parking or sports areas to destroy plants growing there; and

(3) in pools not provided with a surface outlet flowing into a drainage basin, in order to control or destroy plants growing in them;

24. It is prohibited to sell or offer for sale Class 4 pesticides mixed or impregnated with a fertilizer.

It is also prohibited to sell or offer for sale Class 4 or Class 5 pesticides in a wrapping containing more than one pesticide container.

25. The holder of a Class A or B pesticide sales permit shall place the pesticide offered for sale so that the customers may not help themselves, except for Class 4 pesticides used as wood preservatives or antifouling paint.

CHAPTER IV PESTICIDE USE

26. The use of strychnine and DDT (1,1,1-trichloro-2,2-di(p-chlorophenyl)ethane) is prohibited.

27. Subject to sections 34, 48, 49 and 55, it is prohibited to apply pesticides for purposes other than agriculture

(1) within the shoreline strip of a watercourse or body of water whose boundaries are determined in a municipal by-law; and

(2) within a 3-metre strip from a watercourse or body of water where no shoreline strip is determined by municipal by-law.

This section does not apply when applying pesticides by aircraft.

28. Subject to sections 34, 48, 49, 55, 70 and 80, it is prohibited to apply pesticides for agricultural purposes

(1) within the shoreline strip of a watercourse or body of water whose boundaries are determined in a municipal by-law;

(2) within a 3-metre strip from a watercourse, lake, swamp of a minimum area of 10 000 square metres or a pond where no shoreline strip is determined by municipal by-law; and

(3) within a 1-metre strip from an agricultural ditch when no edgeline strip is determined by municipal by-law.

For the purposes of subparagraph 1 of the first paragraph and despite the second paragraph of section 1, “watercourse or body of water” includes an agricultural ditch.

Subparagraph 2 of the first paragraph applies to parts of watercourses whose total flow area (average width multiplied by average depth) is greater than 2 square metres.

This section does not apply to the spreading of *Bacillus thuringiensis* (*Kurstaki* variety) by aircraft.

DIVISION I USE OF PESTICIDES IN CERTAIN LOCATIONS

29. It is prohibited to apply pesticides containing the active ingredients listed in Schedule I on lawns on:

- (1) land belonging to the State;
- (2) land belonging to municipalities, a metropolitan community and the Kativik Regional Government except for the unused parts of street rights-of-way;
- (3) land belonging to an educational institution at the college level governed by the Act respecting private education (R.S.Q., c. E-9.1) or the General and Vocational Colleges Act (R.S.Q., c. C-29) and at the university level referred to in paragraphs 1 to 10 of section 1 of the Act respecting educational institutions at the university level (R.S.Q. c. E-14.1);
- (4) land belonging to a health and social services establishment governed by the Act respecting health services and social services (R.S.Q., c. S-4.2) or by the Act respecting health services and social services for Cree native persons (R.S.Q., c. S-5); and
- (5) land where sports, recreational, cultural or artistic activities are held for children under 14 years of age.

This section does not apply to golf courses.

30. Only biopesticides or pesticides containing one of the active ingredients listed in Schedule II may be applied inside or outside the following buildings:

- (1) the establishments of a childcare centre or of another childcare service governed by the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2); and

- (2) preschools, primary or secondary schools governed by the Education Act (R.S.Q., c. I-13.3), by the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q. c. I-14) or the Act respecting private education.

31. The biopesticides or pesticides containing one of the active ingredients listed in Schedule II, inside or outside an establishment referred to in section 30, must be applied outside the establishment’s care or teaching periods and must be followed by a period of 24 hours before the services resume.

DIVISION II USE OF PESTICIDES BY CERTAIN CLASSES OF PERSONS

§1. General

32. When a provision of this Division does not specify to whom it applies, the provision applies to any person who is required to hold a permit or certificate under the Pesticides Act (R.S.Q., c. P-9.3) and to the farmer and forest manager referred to in section 33 of the Act using Class 3 pesticides.

33. It is prohibited to prepare pesticides

- (1) less than 300 metres from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water or the supply of a network if, in the latter case, the daily capacity of the water intake is 75 cubic metres or more;

- (2) less than 50 metres from any other water intake, from a spring used for human or livestock or from a watercourse or body of water.

The above prohibitions do not apply to a storage site where the operator of such site holds a certificate of conformity issued by CropLife Canada before (*enter the date of coming into force of this Regulation*).

34. The preparation or application of a pesticide shall be carried out in accordance with the instructions of the manufacturer appearing on the label of the pesticide.

Where an instruction and a provision of this Division clash, the most compelling applies.

35. Any person who prepares a pesticide shall use a water supply system designed to prevent pesticides from returning to the water supply source.

36. Any person who prepares or loads pesticides must have on the operation site the adequate equipment and material to stop the leak or release of pesticides during the operations and to proceed, where applicable, with the cleaning of the soiled premises.

The person shall remain on the site during the whole operation so as to prevent any leak or release of pesticides on the ground.

Where a leak or release of pesticides occurs, the person shall immediately take measures to stop it and proceed with the cleaning of the soiled premises.

37. Equipment used for the application, loading or unloading of pesticides shall be in good working order and adapted to the type of work to be done.

38. Any person who applies pesticides shall ensure that no person other than those applying it are present on the premises and that no pets are exposed to pesticides.

§2. Application of pesticides indoors

I- Scope

39. This subdivision governs the application of pesticides in a location where air is confined, in particular, buildings, railway cars, trailers, cattle car, grain elevator, silo, ship, vehicle, container or under a tarpaulin other than a tarpaulin used on a crop or a cultivated soil.

II- Spraying

40. It is prohibited to carry out pesticide fumigation in a building used as a dwelling except with an aerosol can.

41. Any person who carries out pesticide fumigation shall post a sign on each entrance to the treated premises when

(1) the quantity of pesticides to apply in that location is determined by the volume of the location to be treated; and

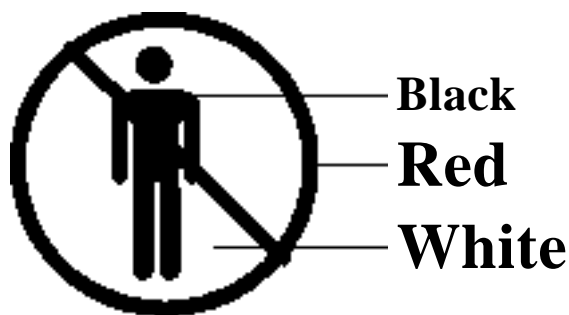
(2) the label of the pesticide provides for a waiting period during which access to the premises is prohibited after the application of the pesticide.

This section does not apply to a farmer or forest manager.

42. The sign referred to in section 41 must be posted in a conspicuous place, be weather resistant and contain the following information, drawing and warning:

(1) the following warning: "PESTICIDE FUMIGATION";

(2) under the above information, the following drawing:



(3) under the drawing, the information "NO ENTRY BEFORE" with the date and time of the end of the waiting period in legible characters;

(4) at the bottom of the sign, the following items:

- i. "Active ingredient:"
- ii. "Homologation number:"
- iii. "Permit holder:"
- iv. "Address:"
- v. "Telephone number:"
- vi. "Certificate number:"
- vii. "Certificate holder: (initials):" and
- viii. "Centre Anti-Poison du Québec:"

including, for each item above, the information respecting the common name of the active ingredient of the pesticide used, the federal homologation number of the pesticide, the name, address and telephone number of the permit holder, the certificate number of the person responsible for the work, the name and initials of that person and the telephone number of the Centre Anti-Poison du Québec.

The sign may not contain any other information than that prescribed in the first paragraph.

III- Fumigation

43. Fumigation that releases gas may be carried out in a location where the air is confined only if all openings have been sealed to prevent the gas from escaping outside that location.

44. The person carrying out the fumigation shall previously make sure that the occupants of the location to be treated, including livestock and pets, have been evacuated so that they are not exposed to fumigation.

That person shall seal each entrance to the location to be treated and post a sign near it.

Where the location has no specific entrance, at least four signs must be posted on the perimeter of the location, spread conspicuously around the location.

45. The sign referred to in section 44 must be conspicuous, weather resistant and contain the following information and drawing:

- (1) the following warnings:

“FUMIGATION”
 “DANGER – HIGHLY TOXIC GAS OR FUMES”
 “DO NOT TRESPASS”

(2) under the above-mentioned information, the following drawing:

Red _____

Black _____
White _____



- (3) under the drawing, the following items:

- i. “Active ingredient:”
- ii. “Homologation number:”
- iii. “Permit holder or farmer:”
- iv. “Address:”
- v. “Telephone number:”
- vi. “Certificate number:”
- vii. “Certificate holder: (initials):”
- viii. “Date and time of fumigation:” and
- ix. “Centre Anti-Poison du Québec:”

including, for each item above, the information respecting the common name of the active ingredient of the pesticide used, the federal homologation number of the pesticide, the name, address and telephone number of the permit holder or farmer, the certificate number of the person responsible for the work, the name and initials of that person, the date and time of fumigation and the telephone number of the Centre Anti-Poison du Québec.

The sign may not contain any other information than that prescribed in the first paragraph.

46. It is prohibited to remove a sign or give access to the treated location as long as the concentration of fumigant in that location is not stabilized below the following concentrations:

- (1) 0.3 ppm or 0.42 mg/m³ phosphine;
- (2) 1.0 ppm or 3.9 mg /m³ methyl bromide;
- (3) 0.1 ppm or 0.18 mg/m³ ethylene oxide; and
- (4) 5 000 ppm or 9 000 mg/m³ carbon dioxide.

For other fumigants, it is prohibited to remove a sign and give access to the treated location for as long as the concentration of fumigant used in that location is not stabilized below the concentration given on the label of such fumigant.

§3. Application of pesticides outdoors

I- Land application

1. Scope and general

47. The provisions of sections 48 to 68 govern the application of pesticides outdoors, in a location where air is not confined, by a means other than an aircraft.

48. It is prohibited to apply pesticides:

(1) less than 300 metres from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water or the supply of a network if, in the latter case, the daily capacity of the water intake is 75 cubic metres or more;

(2) less than 30 metres from any other water intake; and

(3) notwithstanding paragraph 2, less than 3 metres from an individual artesian well for ornamental horticulture pesticide application or for extermination for work described in a Subclass C4, C5 D4 or D5 permit, when the location treated is completely covered by plants.

Paragraph 3 does not apply to a golf course.

49. The application of a pesticide with an air-blast sprayer, except if equipped with a horizontal ramp, shall be carried out more than 20 metres from a watercourse or body of water or a protected immovable where the spraying is done away from the watercourse or body of water or protected immovable and 30 metres from a watercourse or body of water or protected immovable when the spraying is done towards the watercourse or body of water or protected immovable.

This section does not apply to a protected immovable when the spraying is carried out by the owner or operator who lives in that immovable or at their request.

50. Birdseed treated with an avicide must be placed in a feeder equipped with a device preventing wind from carrying the seed away.

That feeder shall bear a sign giving the name of the avicide used, the name, address and telephone number of the permit holder, the Centre Anti-Poison du Québec and its telephone number.

2. Forest area

51. It is prohibited to spray pesticides in a forest area, including a farm woodlot with an apparatus the tank of which may contain 200 litres or more of pesticides, if the apparatus is not equipped with a device preventing leaks when the apparatus is tipped over.

52. Any person who intends to apply pesticides in a forest area, including a farm woodlot, shall, before any application, mark the perimeter of the pesticide application area.

53. Any person who intends to apply pesticides for the purposes of forest development or preservation in a forest area, including a farm woodlot, shall, before any application, post a sign near the entrance of any road leading into the area to be treated.

The sign must be conspicuous, legible from the road and weather resistant and contain the following information and drawing:

(1) at the top of the sign “PESTICIDE TREATMENT”;

(2) under the preceding, a drawing showing the prohibition to gather plants for consumption in the treated area, except if the pesticide sprayed is *Bacillus thuringiensis* (*Kurstaki* variety);

(3) under the drawing, the following items:

- i. “Active ingredient:”
- ii. “Homologation number:”
- iii. “Permit holder or farmer or forest manager:”
- iv. “Address:”
- v. “Telephone number:”
- vi. “Certificate number:”
- vii. “Certificate holder: (initials): “ and
- viii. “Centre Anti-Poison du Québec:”

including, for each item above, the information respecting the common name of the active ingredient of the pesticide used, the federal homologation number of the pesticide, the name, address and telephone number of the permit holder or farmer or forest manager, the certificate number of the person responsible for the work, the name and initials of that person and the telephone number of the Centre Anti-Poison du Québec.

The sign may not contain any other information than that provided for in the second paragraph.

It must stay in place until the end of the season for gathering edible plants growing in the treated area.

54. The owner or operator of a forest area in the domain of the State who intends to apply pesticides or have them applied over more than 100 hectares in the same year in the same administrative region shall, before the work begins, publish a message concerning the work to be carried out in a newspaper circulated in the territory where the work will be carried out or broadcast it on a radio or television station in that territory. Such message must be published and broadcast in accordance with the second and third paragraphs of section 58.

The permit holder responsible for the work may not start it until the message has been published or broadcast in accordance with section 58.

3. Road, railway or power corridor

55. Notwithstanding the first paragraph of section 49, the application of pesticides in a road, railway or power corridor shall be done at more than 30 metres from a watercourse or body of water or protected immovable.

This section does not apply to a protected immovable when the application of pesticides is carried out by the owner or operator who lives in the immovable or at their request.

56. It is prohibited to spray pesticides in a power line corridor by means of an apparatus the tank of which may contain 200 litres or more of pesticides, if the apparatus is not equipped with a device preventing leaks when the apparatus is tipped over.

57. Any person who intends to apply pesticides in a road, railway or power corridor shall, before any application, mark the limits of the areas on which the application of pesticides is prohibited under this Chapter, that are contiguous to the limits of the pesticide application area or within that area.

58. Any owner or operator of a road, railway or power corridor who intends to apply pesticides or have pesticides applied therein for their maintenance shall, before the work begins, publish a message concerning the work to be carried out in a newspaper circulated in the territory where the work will be carried out or broadcast it on a radio or television station in that territory.

The message must be published or broadcast at least one week and at most three weeks before the beginning of the work.

It must contain the following information:

- (1) the name and telephone number of the owner or operator of the territory where work will be carried out;
- (2) the nature, goal and location of the work;
- (3) the period during which work will be carried out;
- (4) restrictions respecting access to the treated premises and to the consumption of plants coming from those premises; and
- (5) the name and telephone number of the permit holder in charge of the work.

The permit holder responsible for the work may not start it until the message has been published or broadcast in accordance with that section.

59. Any owner or operator of a road, railway or power corridor who intends to apply pesticides or have pesticides applied therein for their maintenance shall, before the work begins, notify the Direction régionale of the Ministère de l'Environnement involved where the work will be carried out.

The notice must be in writing and must be received at the Direction régionale at least 21 days before the beginning of the work and must contain the following information:

- (1) the name and address of the owner or operator of the territory where the work will be carried out;
- (2) the names of the permit and certificate holders who will carry out the work, along with their permit and certificate number;

- (3) the total area to be treated;

- (4) the name and federal homologation number of pesticides to be applied;

- (5) the quantity, dosage and number of applications of pesticides forecasted;

- (6) the date of the forecasted work; and

- (7) the name, address and telephone number of any person responsible for providing any information on the work.

The following documents must be attached to the notice:

- (1) maps describing the pesticide application area and the sections within those areas on which the application of pesticides is prohibited under this Chapter;

- (2) a copy of the label of the pesticides used; and

- (3) a copy of the message prescribed by section 58.

The permit holder responsible for the carrying out of the work may not start it until the notice has been given in accordance with that section.

60. The owner or operator of a road, railway or power corridor who applies pesticides or has pesticides applied therein for their maintenance must keep a register of the work. The owner or operator must enter therein the following information: the dates of application of pesticides, the name and federal homologation number of the pesticides used, the treated areas and the weather conditions at the time of each application.

The register must be kept by the owner or operator for a period of five years from the date of the last entry.

61. The owner or operator of a road, railway or power corridor shall send to the Minister a report on the pesticide application as maintenance for the corridor. The report must give the name, quantity and federal homologation number of the pesticides used, the dates of application, the treated areas, the equipment used, the names of the permit and certificate holders who carried out the work and the number of such permits and certificates. The report must be sent at the latest three months after the end of the work.

4. Ornamental horticulture

62. Any person who applies pesticides for remuneration as described in a Subclass C4 permit may not apply to lawns pesticides mixed or impregnated with fertilizer.

5. Ornamental horticulture and extermination

63. Any person who applies pesticides as described in a Subclass C4, C5, D4 or D5 permit may not use pesticides containing one of the active ingredients listed in Schedule I for such work.

This section does not apply to pesticide application on a golf course.

64. Any person who applies pesticides as described in a Subclass C4, C5, D4 or D5 permit must, before any pesticide application, take all measures to avoid contaminating a surface or object that must not be treated.

In addition, a person may apply pesticides outside a building only if all openings through which there may be pesticide infiltration inside the building have been closed.

65. Any person who applies pesticides as described in a Subclass C4, C5, D4 or D5 permit must, after any pesticide application on a lawn or a paved surface or on trees or ornamental or decorative bushes, post a sign at all entrances to the area where the latter is fenced or otherwise delimited.

When the area is not fenced or otherwise delimited or is only partly so, the signs shall be posted every 20 linear metres along the perimeter of the area that is not fenced or delimited.

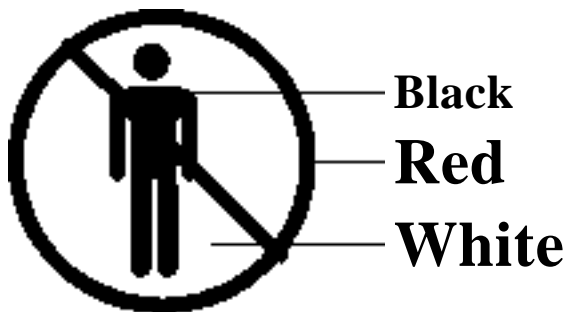
This section does not apply to pesticide application on a golf course or to pesticide injection into ornamental or decorative plants.

66. The sign referred to in section 65 must be conspicuous and weather resistant and contain the following information, drawings and warnings:

(1) on the front,

(a) at the top of the sign, the words “PESTICIDE TREATMENT” and the warning “NO ACCESS BEFORE:”, with the date and time of the end of the prohibition period;

(b) under the above information, the following drawing:



(c) under the drawing, the plants treated;

(d) at the bottom of the sign, the following words “Leave in place for at least 24 hours”;

(2) on the back,

(a) the following items:

- i. “Date and time of application:”
- ii. “Active ingredient:”
- iii. “Homologation number:”
- iv. “Permit holder:”
- v. “Address:”
- vi. “Telephone number:”
- vii. “Certificate number:”
- viii. “Certificate holder: (initials):” and
- ix. “Centre Anti-Poison du Québec:”

including, for each item above, the information respecting the date and time of application of the pesticide and the common name of the active ingredient of the pesticide used, the federal homologation number of the pesticide, the name, address and telephone number of the permit holder, the certificate number of the person responsible for the work, the name and initials of that person and the telephone number of the Centre Anti-Poison du Québec.

The sign may not contain any other information than that provided for in the first paragraph except an indication that fertilizer has been applied.

67. The owner or operator of a golf course who applies pesticides thereon or has pesticides applied thereon must, at three-year intervals, as of (*enter the date of the third anniversary of the coming into force of this Regulation*), send a pesticide reduction plan to the Minister.

The plan must contain the following information :

(1) identification :

(a) the name and address of the owner or operator of the golf course ;

(b) the name and address of the golf course ;

(c) the name and address of the person or permit holder who is responsible for pesticide applications ;

(d) the name of the person responsible for maintaining the green areas of the golf course ; and

(e) the total area of the golf course including only the greens, teeing greens, alleyways and roughs, in hectares ;

(2) pesticides :

(a) the total quantity of pesticides applied annually for the three years preceding the sending of the plan to the Minister for the following categories of pesticides :

- fungicides ;
- insecticides ;
- herbicides ;
- rodenticides ; and
- other pesticides ; and

(b) the name of the pesticides used for each category and its federal homologation number ;

(3) objectives for the reduction in the use of pesticides for the next three years, expressed in percentage or in quantity of product, for each of the following classes of pesticides :

- (a) fungicides ;
- (b) insecticides ;
- (c) herbicides ;
- (d) rodenticides ; and
- (e) other pesticides ;

(4) the observation, follow-up and detection methods of harmful organisms and the data collected, the preventive measures, the cultivation methods and the control methods to reach the pesticide reduction objectives ;

(5) the measures taken to prevent pesticides from migrating outside the premises ; and

(6) an evaluation of the results respecting the reduction plan for the three previous years, their justifications and the changes to be made, if any.

The plan must be signed by an agronomist, member of the Ordre des agronomes du Québec.

68. Any person who applies pesticides on trees, bushes or lawns on a golf course must post a sign at the registration desk and at the teeing green of each hole where the pesticide is applied.

Each sign placed at a teeing green must be conspicuous, weather resistant and contain the following information

(1) at the top of the sign, the words “PESTICIDE TREATMENT”;

(2) under the above information, the following

- i. “Location of application:” (teeing green, alleyway, green or rough)
- ii. “Date and time of application:”
- iii. “Active ingredient:”
- iv. “Homologation number:”
- v. “Certificate number:”
- vi. “Certificate holder: (initials):”
- vii. “Centre Anti-Poison du Québec:”

including, for each item above, the information respecting the location of application, the date and time of application, the common name of the active ingredient of the pesticide used, the federal homologation number of the pesticide, the certificate number of the person responsible for the work, the name and initials of that person and the telephone number of the Centre Anti-Poison du Québec.

The sign placed on the teeing green may not contain any other information than that provided for in the second paragraph and it shall stay in place for at least 24 hours after the application of the pesticide.

The sign placed at the registration desk must bear the information respecting the hole numbers and the locations treated with pesticides for each hole.

II- Application by aircraft

1. Scope and general

69. The provisions of sections 70 to 80 govern the application of pesticides by aircraft.

For the purposes of those provisions, and despite the second paragraph of section 1 a watercourse does not include an intermittent watercourse.

70. It is prohibited to apply pesticides

(1) less than 300 metres from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water or for the supply of a water network if, in the latter case, the daily capacity of the water intake is 75 cubic metres or more; and

(2) less than 30 metres from any other water intake.

71. Any person who intends to apply pesticides must, before any application, identify the limits of the application areas with markers or a flight line guidance system.

72. A pilot who applies pesticides by means of an aircraft or a person who supervises such application from another plane shall have in plain sight a map or aerial photograph identifying the pesticides application areas and the sectors within the application areas on which the application of pesticides is prohibited under this Chapter and a 500-metre strip around those application areas.

2. Forest or non-farming purposes

73. Phytocides must be applied in a forest or for non-farming purposes more than 30 metres from a watercourse or body of water or a protected immovable when the height of the application apparatus in reference to the ground is less than 5 metres and more than 60 metres from a watercourse or body of water or protected immovable when the height of the application apparatus in reference to the ground is 5 metres or more.

Bacillus thuringiensis (Kurstaki variety) must be applied in a forest or for non-farming purposes at a distance from a protected immovable at least equal to the width of one flight lane that the aircraft is capable of.

This section does not apply to a protected immovable when the pesticide application is carried out by the owner or the operator who lives in that immovable or at their request.

74. Notwithstanding section 71, any person who intends to apply pesticides in a road, railway or power corridor or on bare land must, before any application, identify by markers or a flight line guidance system, the limits of the areas on which the application of pesticides is prohibited under this Division that are contiguous to the limits of the pesticide application areas or that are found within such application area.

75. Any person who intends to apply pesticides other than insecticides for purposes of forest management or preservation in a forest area, including a farm woodlot, must, before any application, post a sign at each road entry to the area.

The provisions of the second, third and fourth paragraphs of section 53 apply to that sign.

76. The owner or operator of a forest area in the domain of the State who intends to apply pesticides or have them applied over more than 100 hectares in the same year in the same administrative region, or the owner or operator of a road, railway or power corridor who intends to apply pesticides or have them applied thereto must, before the work begins, publish in a newspaper circulated in the territory where the work will be carried out or broadcast on a radio or television station of the same territory publish a message concerning the work to be carried out.

The message must be published and broadcast in accordance with the second and third paragraphs of section 58.

The permit holder responsible for the work may not start until the message has been published or broadcast in accordance with that section.

77. Except if the application of pesticides is subject to the environmental impact assessment and review under the Environment Quality Act, any person who intends to apply or have phytocides or *Bacillus thuringiensis* (Kurstaki variety) applied in a forest or for non-farming purposes must, before the work begins, notify the Direction régionale du ministère de l'Environnement involved in the manner prescribed in the second and third paragraphs of section 59. Moreover, the notice must indicate the location of the operation base of any aircraft used and the potential sites of emergency release in case the aircraft should have problems.

The permit holder responsible for the work referred to in the first paragraph may not start until the notice has been given in accordance with that section.

78. Any person who applies or has phytocides or *Bacillus thuringiensis* (Kurstaki variety) applied in a forest or for non-farming purposes shall keep a record of the work.

When the pesticide is applied in a forest in the domain of the State or in a road, railway or power corridor, the obligation prescribed in the first paragraph involves the owner or operator of such forest or corridor.

The register must contain the following information: the dates on which pesticides were applied, the name and federal homologation number of the pesticide used, the areas treated and the weather conditions for each application.

Moreover, the register must be kept by the persons referred to in the first and second paragraphs for a period of five years from the date of the last entry.

79. Any person who applies or has phytocides or *Bacillus thuringiensis* (*Kurstaki* variety) applied in a forest or for non-farming purposes shall send to the Minister a report on the application of pesticides.

When the pesticide is applied in a forest in the domain of the State, or in a road, railway or power corridor, the obligation prescribed in the first paragraph involves the owner or operator of such forest or corridor.

The report must include the name, quantity and federal homologation number of pesticides used, the dates of application, the areas treated, the equipment used, the names of the permit and certificate holders who carried out the work and their permit and certificate numbers. The report must be sent at the latest two months after the end of the work.

3. Farming purposes and non-forest environment

80. Pesticides other than *Bacillus thuringiensis* (*Kurstaki* variety) for farming purposes and in a non-forest environment must be applied more than 30 metres from a watercourse or body of water or protected immovable when the height of the application apparatus is less than 5 metres above the ground and more than 60 metres from a watercourse or body of water or protected immovable when the height of the apparatus is 5 metres or more above the ground.

Bacillus thuringiensis (*Kurstaki* variety) must be applied for farming purposes and in a non-forest environment at a distance from a protected immovable at least equal to the width of one flight lane that the aircraft is capable of.

This section does not apply to a protected immovable when the application of pesticides is carried out by the owner or operator who lives in that immovable or at their request.

CHAPTER V PENAL

81. Any infringement to one of the provisions of sections 5, 6, 8 to 16, 18 to 31, 33 to 38, 40 to 46, 48 to 68 and 70 to 80 constitutes an offence.

CHAPTER VI FINAL

82. Section 2 of the Regulation respecting the application of the Environment Quality Act* is amended

(1) by deleting subparagraph *a* of paragraph 10; and

(2) by substituting the following for subparagraph *c* of paragraph 10:

“(c) work involving the use of pesticides other than phytocides or *Bacillus thuringiensis* (*Kurstaki* variety) by aircraft, in a forest environment or for non-agricultural purposes;”.

83. The Regulation respecting the use of DDT (R.R.Q., 1981, c. Q-2, r.24) is revoked.

84. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except for section 24 which comes into force on (enter the date of the first anniversary of the coming into force of this Regulation), sections 11, 12, 19 and 25 which come into force on (enter the date of the second anniversary of the coming into force of this Regulation) and sections 23 and 63 which come into force on (enter the date of the third anniversary of the coming into force of this Regulation).

SCHEDULE I (ss. 23, 29 and 63)

Prohibited active ingredients	CAS Number
Piperonyl butoxide	51-03-6
1,3-dichloropropene	542-75-6
Dicofol	115-32-2
Lindane	58-89-9
Malathion	121-75-5
Metoxychlor	72-43-5
N-octyl bicycloheptene dicarboximide	113-48-4
Permethrin	52645-53-1

* The Regulation respecting the application of the Environment Quality Act made by Order in Council 1529-93 dated 3 November 1993 (1993, *G.O.* 2, 5996) was last amended by the Regulation made by Order in Council 492-2000 dated 19 April 2000 (2000, *G.O.* 2, 2090). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

Prohibited active ingredients

Phenylmercury acetate	62-38-4
Benomyl	17804-35-2
Captan	133-06-2
Chlorothalonil	1897-45-6
Mercuric chloride	7487-94-7
Iprodione	36734-19-7
Maneb	12427-38-2
Metam sodium	137-42-8
2,4-D (present as ester)	25168-26-7
2,4-D (present as acid)	94-75-7
2,4-D (present as amine salt)	2008-39-1
2,4-D (present as sodium salt)	2702-72-9
Amitrole	61-82-5
Arsenic (ammonium methylarsonate)	6379-37-9
MCPA (present as ester)	26544-20-7
MCPA (present as amine salt)	2039-46-5
MCPA (present as potassium or sodium salt)	3653-48-3
Mecoprop (present as acid)	93-65-2
Mecoprop (present as amine salt)	66423-09-4
Mecoprop (present as potassium salt)	1929-86-8

SCHEDULE II

(ss. 30 and 31)

Authorized active ingredients**HERBICIDES**

	CAS Number
Fatty acids	N/A
Soap (potassium salts of fatty acids) N/A	

INSECTICIDES

	CAS Number
Soap (potassium salts of fatty acids) N/A	
Amorphous silica gel	7631-86-9
Silicon dioxide (diatomaceous earth) 60676-86-0	
Boric Acid	10043-35-3
Pyrethrin	8003-34-7
Methoprene	40596-69-8
Disodium octaborate tetrahydrate	120078-41-2

FUNGICIDES

	CAS Number
Sulfur	7704-34-9
Calcium sulfide or calcium polysulfide	1344-81-6

5134

Draft RegulationProfessional Code
(R.S.Q., c. C-26)Engineers Act
(R.S.Q., c. I-9)**Engineers**— **Other terms and conditions for the issuance of permits**— **Amendment**

Notice is hereby given, pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Regulation respecting other terms and conditions for the permits to be issued by the Ordre des ingénieurs du Québec, adopted by the Bureau of the Ordre des ingénieurs du Québec, the text of which appears hereinafter, may be submitted to the government, which may approve it with or without amendment after a period of 45 days following this publication.

According to the Ordre des ingénieurs du Québec, the purpose of this draft amendment is to specify, in the transitional provisions, those persons who continue to be governed by the former Regulation respecting other terms and conditions for the issuance of permits, replaced by the regulation approved by order in council 1510-2001 of December 12, 2001.

This regulation has no impact on citizens or businesses.

Additional information may be obtained from Mre Louise Laurendeau of the Ordre des ingénieurs du Québec, 2020, rue University, 18^e étage, Montréal, Québec, H3A 2A5, tel. (514) 845-6141 or 1 800 461-6141, fax: (514) 845-1833.

Any comments should be submitted before the deadline to the Chairman of the Office des professions du Québec, 800, Place d'Youville, 10^e étage, Québec (Québec) G1R 5Z3. These comments will be passed on by the Office to the minister responsible for the application of professional acts; they may also be conveyed to the professional corporation that passed the regulation as well as to any interested persons, government departments or organizations.

JEAN-K. SAMSON,
*Chairman of the Office des
professions du Québec*