

Draft Regulation

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

Pesticides Permits and certificates for the sale and use — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is essentially to harmonize the classes of pesticides with those of the federal Pest Control Products Act and to update the classification criteria to maintain access to products presenting the least risk for users and the environment.

To that end, the draft Regulation prescribes amendments to the classification of Class 4 and Class 5 pesticides and adjustments to the classes of permits and certificates. It also prescribes a new subclass of certificate for farmers and forest managers who use Class 3 pesticides.

The draft Regulation will have a financial impact on farmers and forest managers because of the creation of a new subclass of certificate. It could also have a financial impact in particular on pesticide retail businesses and their employees where the Minister would prescribe, pursuant to section 54 or 55 of the Pesticides Act, a new examination for the issue or renewal of certificates.

Further information may be obtained by contacting

Jean-François Bourque
Ministère de l'Environnement
Service des pesticides
Direction des politiques du secteur agricole
Édifice Marie-Guyart, 8^e étage
675, boulevard René-Lévesque Est
Québec (Québec) G1R 5V7
Telephone: (418) 521-3829, ext. 4804
Fax: (418) 528-1035
jean-francois.bourque@menv.gouv.qc.ca

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 Minister of the Environment, at the above address.

ANDRÉ BOISCLAIR,
Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water,
Minister of the Environment

Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides*

Pesticides Act
(R.S.Q., c. P-9.3, s. 109, pars. 1, 3, 5, 10 and 11)

1. Section 3 of the Regulation respecting permits and certificates for the sale and use of pesticides is amended by substituting the following for paragraph 1:

“(1) any pesticide that is exempt from registration in accordance with subsection (1) (b) of section 5 of the Pest Control Products Regulations (C.R.C., c. 1253);”.

2. The following is substituted for paragraph 2 of section 6:

“(2) any pesticide for the lawn mixed or saturated with a fertilizer, except a mixture included in Class 3.”

3. The following is substituted for section 7:

“7. A pesticide whose container bears the word “DOMESTIC” on an inscription or label and is marketed in a form requiring no preparation or dilution is included in Class 5; it is also marketed in a volume or weight equal to or less than one litre or one kilogram, and it is intended for one or more of the following uses exclusively:

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

(2) as ant, cockroach or earwig bait, if the container protects users against contact with the product;

(3) as animal repellent, if the product does not contain any polymerized butene or thiram;

* The Regulation respecting permits and certificates for the sale and use of pesticides, made by Order in Council 305-97 dated 12 March 1997 (1997, G.O. 2, 1251), has not been amended since it was made.

(4) flea-repellant collars or tags for dogs and cats, except if they contain tetrachlorvinphos, propoxur or lindane; and

(5) insect repellent to be applied on humans.”.

4. Section 13 is amended

(1) by substituting “Retail Sale of Class 1 to Class 3 Pesticides” for “Retail Sale of Class 1 to Class 4 Pesticides” in paragraph 1 of the first paragraph;

(2) by substituting “E5” for “E4 or E5” in clause *ii* of subparagraph *b* of paragraph 1; and

(3) by striking out subparagraph *f* of paragraph 1.

5. The following is substituted for section 23:

“**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 Consumer Price Index for Canada as published by Statistics Canada; the rate shall be calculated by establishing the difference between the monthly average index for the 12-month period ending on 30 September of the preceding year and the monthly average index for the period equivalent to the second preceding year.

The indexed fees 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 shall publish the indexing in the *Gazette officielle du Québec* before 1 January of each year.”.

6. The following is substituted for paragraph 1 of section 33:

“(1) Certificate for the Wholesale of Pesticides: Class A; and

(1.1) Certificate for the Retail Sale of Pesticides: Class B;”.

7. The following is substituted for section 34:

“**34.** A Class A “Certificate for the Wholesale 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 to supervise those activities at the places where they are performed.

34.1. A Class B “Certificate for the Retail Sale of Pesticides” authorizes a natural person holding the certificate to perform the retail sales activities of Class 1 to Class 4 pesticides, included in Subclasses B1 and B2 described below:

(1) a Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3 Pesticides” authorizes a natural person holding the certificate to perform the retail sales activities described in Class B “Retail Permit”, Subclass B1 in respect of Class 1 to Class 3 pesticides or to supervise those activities at the places where they are performed; and

(2) a Subclass B2 “Certificate for the Retail Sale of Class 4 Pesticides” authorizes a natural person holding the certificate to perform the retail sales activities described in Class B “Retail Permit”, Subclass B2 in respect of Class 4 pesticides or to supervise those activities at the places where they are performed.”.

8. Section 36 is amended

(1) by substituting “Subclasses E3 and E5” for “Subclasses E3, E4 and E5” in subparagraph *a* of paragraph 1;

(2) by inserting the following after paragraph 1:

“(1.1) a Subclass E1.1 “Farm Producer’s Certificate for Class 3 Pesticides” authorizes the holder

(*a*) to perform, using an application method other than by aircraft, work involving the use of a Class 3 pesticide, except work described in Subclasses E3 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 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;”;

(3) by substituting “Subclasses E3 and E5” for “Subclasses E3, E4 and E5” in subparagraph *a* of paragraph 2;

(4) by substituting “in Subclass E5” for “in Subclasses E4 and E5” in subparagraph *a* of paragraph 3; and

(5) by striking out paragraph 4.

9. Section 37 is amended

(1) by substituting “Subclasses F1 to F2” for “Subclasses F1 and F2” in the part preceding paragraph 1; and

(2) by inserting the following after paragraph 1:

“(1.1) a Subclass F1.1 “Forest Producer’s or Forest Management Permit Holder’s Certificate for Class 3 Pesticides” authorizes the holder

(a) to perform, using an application method other than by aircraft, work involving the use of a 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 in a forest operation managed by a forest producer recognized under Chapter II of the Forest 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 and maple syrup production or for the supply of a wood processing plant; and

(b) to supervise those activities at the places where they are performed;”.

10. Section 38 is amended by substituting “Subclass E1, E1.1, F1 or F1.1” for “Subclass E1 or F1” in the fourth paragraph.

11. The Regulation is amended

(1) by striking out “certified” in section 20, the fourth paragraph of section 28, the first paragraph of section 39 and section 42; and

(2) by substituting “homologation” for “enregistrement” in subparagraph 2 of the second paragraph of section 47, section 48, clause *b* of subparagraphs 1 and 2 of the second paragraph of section 49, subparagraph 2 of the second paragraph of section 50 and subparagraph 5 of the second paragraph of section 51 in the French text.

12. A Subclass E1.1 “Farm Producer’s Certificate for Class 3 Pesticides” enacted by section 8 of this Regulation is required in keeping with the following deadline:

(1) on (*enter the date of the second anniversary of the coming into force of this Regulation*) for a farmer, the person authorized to act on behalf of a farmer or employee of a farmer or who acts under the supervision of the holder of a Class E certificate, whose family names begin with letters A to D;

(2) on (*enter the date of the third anniversary of the coming into force of this Regulation*) for the persons referred to in paragraph 1, whose family names begin with letters E to L; and

(3) on (*enter the date of the fourth anniversary of the coming into force of this Regulation*) for the persons referred to in paragraph 1, whose family names begin with letters M to Z.

13. A Subclass F1.1 “Forest Producer’s or Forest Management Permit Holder’s Certificate for Class 3 Pesticides” enacted by section 9 of this Regulation is required on (*enter the date of the second anniversary of the coming into force of this Regulation*).

14. A Subclass B1 “Permit for the Retail Sale of Class 1 to Class 4 Pesticides” that has not expired on the date of coming into force of this Regulation remains in force until it expires and shall correspond, with no further formality, to the permits of Subclass B1 “Retail Sale of Class 1 to Class 3 Pesticides” and Subclass B2 “Retail Sale of Class 1 to Class 4 Pesticides”.

15. A Class AB “Certificate for the Sale of Pesticides” that has not expired on the date of coming into force of this Regulation remains in force until it expires and shall correspond, with no further formality, to a Class A “Certificate for the Wholesale of Pesticides” and a Class B “Certificate for the Retail Sale of Pesticides”, Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3 Pesticides” and Subclass B2 “Certificate for the Retail Sale of Class 4 Pesticides”.

16. A Subclass E4 “Certificate for the Fumigation of Phosphine” that has not expired on the date of coming into force of this Regulation remains in force until it expires and shall correspond, with no further formality, to the certificate of Subclass E5 “Certificate for the Fumigation of Certain Gases”.

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