

Regulations and other acts

Gouvernement du Québec

O.C. 331-2003, 5 March 2003

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

Pesticides Management Code

Pesticides Management Code

WHEREAS, under sections 101, 104, 105, 105.1, 106 and 107 and paragraphs 2 and 10 to 13 of section 109 of the Pesticides Act (R.S.Q., c. P-9.3), the Government may make regulations on the matters mentioned therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Pesticides Management Code was published in Part 2 of the *Gazette officielle du Québec* of 3 July 2002 with the draft Regulation to amend the Regulation respecting the application of the Environment Quality Act, with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Pesticides Management Code with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Municipal Affairs and Greater Montréal, of the Environment and Water and Minister of the Environment:

THAT the Pesticides Management Code, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Pesticides Management Code

Pesticides Act
(R.S.Q., c. P-9.3, ss. 101, 104, 105, 105.1, 106, 107 and 109, pars. 2 and 10 to 13)

TABLE OF CONTENTS

	Sections
CHAPTER I INTERPRETATION AND SCOPE	1-4
CHAPTER II STORAGE	
Division I: General	5-6
Division II: Storage in a tank or mobile tank	7-14
Division III: Storage of certain pesticides	15-22
Division IV: Civil liability insurance	23-24
CHAPTER III SALE	25-27
CHAPTER IV PESTICIDE USE	
Division I: General prohibitions	28-30
Division II: Use of pesticides in certain locations	31-33
Division III: Use of pesticides by certain classes of persons	
§1. General	34-40
§2. Application of pesticides in a place where air is confined	
I. Scope	41
II. Spraying	42-44
III. Fumigation	45-48
§3. Application of pesticides outdoors	
I. Land application	
1. Scope and general	49-53
2. Forest area	54-58
3. Road, railway or power corridor ..	59-66
4. Ornamental horticulture	67
5. Ornamental horticulture and extermination	68-74

II. Application by aircraft	
1. <i>Scope and general</i>	75-78
2. <i>Forest or non-agricultural purposes</i>	79-85
3. <i>Agricultural purposes and non-forest environment</i>	86
CHAPTER V PENAL	87
CHAPTER VI FINAL	88-89
SCHEDULE I (ss. 25, 31 and 68) – Prohibited active ingredients	
SCHEDULE II (ss. 32, 33 and 72) – Authorized active ingredients	

Pesticides Management Code

Pesticides Act
(R.S.Q., c. P-9.3, ss. 101, 104, 105, 105.1, 106, 107 and 109, pars. 2 and 10 to 13)

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*)

“containment works” means a floor, a platform or a watertight basin, built so as to contain and allow for the complete recovery of any pesticide leak or spillage; (*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) and, where applicable, by the Pest Control Products Act (S.C., 2002, c. 28) and the regulations thereunder; (*étiquette*) and

“protected immovable” means

(1) a built-up lot situated within a built-up area determined by a development plan or a metropolitan land use planning and development plan, except a lot zoned by municipal authorities for industrial purposes;

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

(a) a residential dwelling, except if it is located in a forest area and used from time to time;

(b) a public building described in section 2 of the Public Buildings Safety Act (R.S.Q., c. S-3) and any other administrative 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 on which the following are situated:

(a) a recreation, sports or cultural centre;

(b) an outdoor recreation centre or a nature interpretation 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, except municipal aerated ponds and artificial lakes without any outlet, marshes, swamps and peat bogs, except peat bogs or any part thereof being harvested but does not include ditches; the relative distance from a watercourse or body of water is measured from the normal high water mark as defined in the Politique de protection des rives, du littoral et des plaines inondables made by Décret 103-96 dated 24 January 1996.

2. References to a class of pesticides, a class or subclass of permits or certificates are references to the classes of pesticides, classes and subclasses of permits and certificates established 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. The application of this Code extends to a reserved area and an agricultural zone established pursuant to 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 25, 26 and 29 to 33 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 premises where the ambient conditions, in particular temperature, humidity and precipitation, are not likely to alter the pesticide, its container or label. It must also be stored in such manner that its content is not released into the environment.

That requirement does not apply to a Class 4 pesticide stored for personal use or for another person free of charge.

6. A person who stores unprepared or undiluted pesticides in quantities equal to or greater than 1,000 litres or 1,000 kilograms must immediately notify Urgence-Environnement under the authority of the Minister of the Environment in the case of pesticide fire on the storage premises, and specify at that time the nature of the stored pesticides and the approximate quantity stored on the premises.

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 that is used to store liquid pesticides, that can be attached to a truck, trailer or semi-trailer and that can be moved.

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

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 a containment works and be protected from vehicle impact by barriers.

The containment works must be able to contain at least 110% of the capacity of the largest tank in the same containment works.

11. A mobile tank in storage premises must be placed in a containment works except if the mobile tank contains pesticides that have been prepared or diluted.

The containment works must be able to contain at least 110% of the capacity of the largest stationary mobile tank in the same containment works.

12. The loading or unloading of unprepared or undiluted pesticides into or from a tank or a mobile tank must take place in a containment works.

An aircraft need not to be placed in a containment works for loading or unloading.

13. Pesticide or rainwater that has accumulated in a containment works must be removed immediately after a pesticide leak or release or after the precipitation ceases.

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

DIVISION III STORAGE OF CERTAIN PESTICIDES

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

(1) less than 30 metres from a watercourse or body of water;

(2) less than 100 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 waterworks if, in the latter case, the average daily operating capacity is greater than 75 m³; and

(3) less than 30 metres from any other surface water intake for water intended for human consumption, or from any other groundwater catchment works.

Those prohibitions do not apply to operators of a storage site holding a certificate of conformity issued by CropLife Canada before 3 April 2003; the authorized storage site is restricted, in that case, to the storage site certified by CropLife Canada and existing on that date.

16. It is prohibited to store Class 1, Class 2 or Class 3 pesticides within a flood area having a flood recurrence interval of 0 to 20 years that is mapped or identified in a development plan or a metropolitan land use planning and development plan or in a municipal zoning by-law.

That prohibition does not apply to operators of a storage site holding a certificate of conformity issued by CropLife Canada before 3 April 2003; the authorized storage site is restricted, in that case, to the storage site certified by CropLife Canada and existing on that date.

17. It is prohibited to store Class 1, Class 2 or Class 3 pesticides in a flood area having a flood recurrence interval of 20 to 100 years that is mapped or identified in a development plan or a metropolitan land use planning and development plan or in a municipal zoning by-law.

That prohibition does not apply where

(1) the quantity of stored pesticides is less than 100 litres or 100 kilograms;

(2) the quantity of stored pesticides is equal to or greater than 100 litres or 100 kilograms and the storage time is less than 15 consecutive days;

(3) the pesticides are stored higher than the highest level reached by water in a 100-year interval flood;

(4) holders of Subclass C1, C7, D1 or D7 permits store the pesticides for a period of less than 60 consecutive days between 1 June and 28 February; or

(5) the operators of the storage site hold a certificate of conformity issued by CropLife Canada before 3 April 2003; the authorized storage site is restricted, in that case, to the storage site certified by CropLife Canada and existing on that date.

18. Holders of a Class A or Subclass B1, C4, C5 or D4 permit who store unprepared or undiluted Class 1, Class 2 or Class 3 pesticides must store them in premises having a containment works. The same applies to any person who stores a quantity equal to or greater than 100 litres or 100 kilograms of unprepared or undiluted Class 1, Class 2 or Class 3 pesticides for a period longer than 15 consecutive days.

19. Holders of a Class A or Subclass B1 permit who load or unload Class 1, Class 2 or Class 3 pesticides in storage premises must do so in a containment works.

20. A person who stores Class 1, Class 2 or Class 3 pesticides must have on the premises adequate equipment and material capable of stopping any leak or release of pesticides and, if required, of cleaning the premises.

In the event of a leak or release of pesticides, the person must immediately take measures to stop the leak or release and clean the premises.

21. 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 premises a sign indicating the following services and their telephone numbers:

(1) the Centre Anti-Poison du Québec;

(2) the municipality's police and fire services;

(3) Urgence-Environnement Québec;

(4) the regional office of the Ministère de l'Environnement; and

(5) the Canadian Transport Emergency Centre.

That requirement does not apply to the storage of Class 4 pesticides for personal use or for another person free of charge.

22. A person is exempted for a period of two years as of 3 April 2003.

(1) from the prohibition set out in the first paragraph of section 15 where, on that date, the person stores Class 1, Class 2 or Class 3 pesticides in premises that do not meet the requirements of that provision; at the end of that period, the pesticides may be stored in the premises only if a containment works is present;

(2) from the prohibition set out in the first paragraph of section 16 where, on that date, the person stores Class 1, Class 2 or Class 3 pesticides in premises that do not meet the requirements of that provision; at the end of that period, the pesticides may be stored in the premises only if they are stored above the highest level reached by water in a 100-year interval flood; and

(3) from the prohibition set out in the first paragraph of section 17 where, on that date, the person stores Class 1, Class 2 or Class 3 pesticides within a flood plain referred to in that provision.

DIVISION IV CIVIL LIABILITY INSURANCE

23. A person who stores unprepared or undiluted pesticides to be sold or used during remunerated work in premises having a pesticide storage capacity greater than 10,000 litres or 10,000 kilograms must maintain in force, for the entire duration of storage and for the minimum amounts appearing hereunder, a civil liability insurance contract for damage to the environment arising from storage activities or from sudden and accidental events occurring on the storage premises :

(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.

That requirement does not apply to the Government, its departments and bodies.

24. The civil liability insurance contract must include a provision under which the insurer undertakes to notify the Minister of the Environment within 48 hours following the revocation, cancellation, termination or modification of the coverage of the insurance contract.

CHAPTER III SALE

25. It is prohibited to sell or offer for sale Class 4 or Class 5 pesticides that contain an active ingredient listed in Schedule I and that are intended to be applied on lawns.

26. It is forbidden to sell Class 4 pesticides that have been mixed or impregnated with 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, except if the label mentions that there are several containers.

27. The holder of a Class A or B pesticide sales permit must place the pesticide offered for sale in such manner that the customers cannot help themselves, except in the case of Class 4 pesticides used as wood preservatives or antifouling paint.

CHAPTER IV PESTICIDE USE

DIVISION I GENERAL PROHIBITIONS

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

29. It is prohibited to apply pesticides for purposes other than agricultural purposes less than 3 metres from a watercourse or body of water.

That prohibition does not apply when pesticides are applied by aircraft or

(1) on a railway ballast if the application is carried out using a windbreak ;

(2) on dams and dikes ;

(3) on wooden telephone or hydro poles ; or

(4) in water when intended for such use.

30. It is prohibited to apply pesticides for agricultural purposes

(1) less than 3 metres from a watercourse, body of water or ditch where the total flow area (average width multiplied by average height) of the part of the watercourse or ditch is greater than 2 m² ; the relative distance from a ditch is measured from its edgeline ; and

(2) less than 1 metre from a watercourse, including an intermittent watercourse, or a ditch having a total flow area of 2 m² or less for the part of the watercourse or ditch ; the relative distance from a watercourse is measured from the normal high water mark of the watercourse as defined in the policy referred to in the second paragraph of section 1 and the relative distance from a ditch is measured from its edgeline.

DIVISION II USE OF PESTICIDES IN CERTAIN LOCATIONS

31. It is prohibited to apply pesticides containing an active ingredient listed in Schedule I on lawns on

(1) land owned by the State ;

(2) land owned by municipalities, a metropolitan community and the Kativik Regional Government, except for the unused parts of street rights-of-way ;

(3) land owned by educational institutions 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 educational institutions 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 owned by health and social services institutions governed by the Act respecting health services and social services (R.S.Q., c. S-4.2) or 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.

That restriction does not apply to lawns on golf courses, in nurseries or in seed orchards, or lawns on land that is

(1) used only for sports purposes by persons older than 14 years of age;

(2) fenced in; or

(3) equipped with a watering system.

32. Only biopesticides or pesticides containing an active ingredient listed in Schedule II may be applied inside or outside the following establishments:

(1) childcare centres, day care centres, stop over centres, nursery schools, and home childcare residences 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), the Education Act for Cree, Inuit and Naskapi Native persons (R.S.Q. c. I-14) or the Act respecting private education.

However, pesticides containing any of the following active ingredients may also be applied in such a place:

(1) *cyfluthrin* to control or destroy flying insects, crawling insects, food insects or wood insects if the pesticide application

i. is carried out by the holder of a Subclass C5 permit; and

ii. is preceded by the application of a biopesticide or a pesticide containing an active ingredient listed in Schedule II, carried out at least seven days before the application of a pesticide containing that active ingredient, in the case of crawling insects or wood insects;

(2) *resmethrin* to destroy wasps', hornets' or bees' nests if the pesticide application is carried out by the holder of a Subclass C5 permit; and

(3) *bromadiolone* in combination with *denatonium benzoate* or *bromethalin* in combination with *denatonium benzoate* to control or destroy rodents if

i. the pesticide is used in solid form in traps, stations or containers that prevent any contact with human beings and that are locked; and

ii. the pesticide application is carried out by the holder of a Subclass C5 permit.

The holder of the permit must, at least 24 hours before the application referred to in the second paragraph, notify the administrator of the establishment referred to in the first paragraph and state the reasons justifying the application of the active ingredient, the name of the pesticide and active ingredient that will be applied, the registration number of the pesticide under the federal legislation on pest control products and the proposed date and time of the application.

33. The application of a biopesticide or pesticide containing an active ingredient listed in Schedule II or cyfluthrin or resmethrin, inside or outside an establishment referred to in the first paragraph of section 32, must be carried out outside the establishment's care, teaching or activity periods that take place inside or outside the establishment.

The application must be followed by a period of at least 8 hours before the services or activities resume in the treated premises if the application is carried out inside the establishment; if the applied pesticide contains cyfluthrin, that period must be at least 12 hours.

DIVISION III USE OF PESTICIDES BY CERTAIN CLASSES OF PERSONS

§1. General

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

35. It is prohibited to prepare pesticides

(1) less than 30 metres from a watercourse or body of water;

(2) less than 100 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 waterworks if, in the latter case, the average daily operating capacity is greater than 75 m³; and

(3) less than 30 metres from any other surface water intake for water intended for human consumption, or from any other groundwater catchment works.

The above prohibitions do not apply to operators of a storage site holding a certificate of conformity issued by CropLife Canada before 3 April 2003.

36. The preparation or application of a pesticide must be carried out in accordance with the manufacturer's instructions appearing on the label of the pesticide.

Where instructions and a provision of this Division are inconsistent, the more restrictive applies.

37. A person who prepares a pesticide must use a water supply system designed to prevent pesticide backflow to the water supply source.

38. A person who prepares or loads pesticides must have on the operation site adequate equipment and material capable of stopping any leak or release of pesticides during the operations and if required, of cleaning the premises.

The person must remain on the site throughout the operations so as to prevent any leak or release of pesticides onto the ground.

In the event of a leak or release of pesticides, the person must immediately take measures to stop the leak or release and clean the premises.

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

40. A person applying pesticides must ensure that, at the time of the application, no person other than a person participating in the application is present on the premises or is exposed to pesticides.

§2. Application of pesticides in a place where air is confined

I. Scope

41. This subdivision governs the application of pesticides in a location where air is confined, in particular, in buildings, railway cars, trailers, cattle cars, grain elevators, silos, greenhouses, ships, vehicles, containers or under tarpaulins other than tarpaulins used on crops or on soil in fields.

II. Spraying

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

43. A person who carries out pesticide spraying must, at the time the work begins, post a sign on each entrance to the treated premises if

(1) the quantity of pesticides to be applied in the premises is determined by the volume of the premises to be treated; or

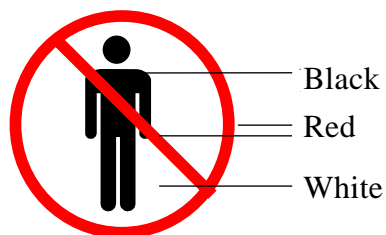
(2) the pesticide label of the pesticide states there must be a waiting period after the pesticide application during which access to the premises is prohibited.

That requirement does not apply to a farmer or forest manager.

44. The sign referred to in section 43 must measure 21.5 cm by 28 cm, be posted in a conspicuous place, be weather resistant and contain the following information, pictogram and warning :

(1) the following warning : "TRAITEMENT AÉROSOL AVEC PESTICIDES";

(2) under the above warning, the following pictogram :



(3) under the pictogram, the words “ACCÈS INTERDIT AVANT LE” 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. “Registration number:”
- iii. “Permit holder:”
- iv. “Address:”
- v. “Telephone number:”
- vi. “Certificate number:”
- vii. “Certificate holder: (initials):”
- viii. “Centre Anti-Poison du Québec:”
- ix. “Date of application:”

including, for each item above, information on the common name of the active ingredient of the pesticide used, the registration 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, the telephone number of the Centre Anti-Poison du Québec and the pesticide application date.

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

III. Fumigation

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

46. In addition to the requirement of section 40, the person who is to carry out the fumigation must first ensure that no livestock or pets remain in the premises, to avoid their being exposed to the fumigant.

The person must seal and post a sign on each entrance to the premises to be treated.

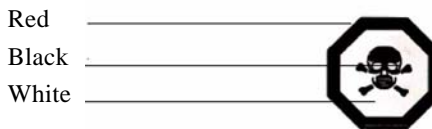
If the premises have no specific entrance, at least four signs must be posted visibly at various points along the perimeter of the premises

47. The sign required by section 46 must measure 21.5 cm by 28 cm, be conspicuous, weather resistant and contain the following information and pictogram:

(1) the following warnings:

“FUMIGATION”
 “DANGER – GAZ OU FUMÉE TRÈS TOXIQUE”
 “ACCÈS INTERDIT”

(2) under the above-mentioned warning, the following pictogram:



(3) under the pictogram, the following items:

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

including, for each item above, information on the common name of the active ingredient of the pesticide used, the registration number of the pesticide used, 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 information other than the information prescribed in the first paragraph.

48. It is prohibited to remove a sign or give access to treated premises as long as the concentration of fumigant in the premises has 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;
- (4) 5,000 ppm or 9,000 mg/m³ carbon dioxide.

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

§3. Application of pesticides outdoors

I. Land application

1. Scope and general

49. The provisions of sections 50 to 74 govern the application of pesticides outdoors, in a location where air is not confined, by a means other than an aircraft.

50. It is prohibited to apply pesticides

(1) less than 100 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 waterworks if, in the latter case, the average daily operating capacity is greater than 75m³; and

(2) less than 30 metres from any other surface water intake for water intended for human consumption, or from any other groundwater catchment works.

The prohibition set out in subparagraph 2 of the first paragraph does not apply to

(1) the pesticide application for extermination during work described in permit Subclasses C5 or D5, if it is carried out more than 3 metres from the water intake or catchment;

(2) the pesticide application for ornamental horticulture during work described in permit Subclasses C4 or D4, other than an application on golf courses, more than 3 metres from an individual tubular well and, where applicable, if the application is carried out on the ground, on the condition that the ground is entirely covered with vegetation; or

(3) the pesticide application on a railway ballast, if it is carried out with a windbreak.

51. The application of pesticides to control black flies or adult mosquitoes is prohibited, except the application of residual adulticide carried out to complete the application of larvicide.

52. The application of a pesticide using an air-blast sprayer other than a sprayer equipped with a horizontal ramp or tunnel sprayer must be carried out more than 20 metres from a protected immovable if the spraying is done facing away from the protected immovable, and 30 metres from a protected immovable if the spraying is done facing the protected immovable.

That requirement does not apply if the application of the pesticide is carried out by, or at the request of, the owner of the immovable or of the operator residing in the immovable.

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

The feeder must 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

54. For the purposes of sections 55 to 57, “forest area” includes a farm woodlot and other wooded areas or areas reserved for the growing of trees for reforestation but does not include seed orchards and blueberry fields under commercial operation.

55. It is prohibited to spray pesticides in a forest area using an apparatus having a pesticide tank capacity of 200 litres or more if the apparatus is not equipped with a device to prevent leaks should the apparatus tip over.

56. A person who intends to apply pesticides in a forest area must, before any application, mark off the perimeter of the pesticide application area.

57. A person who intends to apply pesticides for the purposes of forest development or preservation in a forest area must, before any application, post a sign at the point of access of each passable road leading into the area to be treated.

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

(1) at the top of the sign, the words: “TRAITEMENT AVEC PESTICIDES”;

(2) under the preceding, a pictogram showing the prohibition to gather plants for consumption in the treated area; and

(3) under the pictogram, the following items:

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

including, for each item above, information on the common name of the active ingredient of the pesticide used, the registration number of the pesticide, the name, address and telephone number of the permit holder, 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 information other than the information prescribed in the second paragraph.

The sign must remain in place until the end of the edible plant season in the treated area.

58. 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 must, before the work begins, publish a message describing the work to be carried out in a newspaper circulated in the territory where the work will be carried out or broadcast the message on a radio or television station in that territory, in accordance with the second and third paragraphs of section 63.

The permit holder responsible for the work may not start the work until the message has been published or broadcast.

3. Road, railway or power corridor

59. The application of pesticides in a road, railway or power corridor for their maintenance must be carried out more than 30 metres from a watercourse or body of water, except for an application of

(1) pesticides by injection in a tree or shrub, carried out more than 3 metres from a watercourse or body of water;

(2) *Chondrostereum purpureum* on a tree stump, carried out more than 3 metres from a watercourse or body of water;

(3) *glyphosate* on leaves with a knapsack sprayer or ramp-type sprayer, carried out more than 10 metres from a watercourse or body of water;

(4) *glyphosate* or *triclopyr* on a tree stump, carried out more than 15 metres from a watercourse or body of water;

(5) *triclopyr* on the base of a tree or shrub, carried out more than 15 metres from a watercourse or body of water; and

(6) pesticide on a railway ballast, carried out with a windbreak, or on wooden hydro or telephone poles.

60. The application of pesticides in a road, railway or power corridor for their maintenance must be carried out more than 30 metres from a protected immovable, except for an application of

(1) pesticides by injection in a tree or shrub;

(2) *Chondrostereum purpureum* on a tree stump;

(3) pesticides other than *Chondrostereum purpureum* on a tree stump, carried out more than 3 metres from a protected immovable;

(4) pesticides on the base of a tree or shrub, carried out more than 3 metres from a protected immovable;

(5) pesticides on leaves with a knapsack or ramp-type sprayer, carried out more than 10 metres from a protected immovable;

(6) pesticides on a railway ballast, carried out with a windbreak, or on wooden hydro or telephone poles; and

(7) pesticides carried out by, or at the request of, the owner of a protected immovable or of the operator residing in the immovable.

61. It is prohibited to spray pesticides in a power line corridor using an apparatus having a pesticide tank capacity of 200 litres or more if the apparatus is not equipped with a device to prevent leaks should the apparatus tip over.

62. A person who intends to apply pesticides in a road, railway or power corridor for their maintenance must, before any application, mark off the limits of the areas in which the application of pesticides is prohibited under the first paragraph of sections 50 and 52 and sections 59 and 60 that are contiguous to or within the limits of the pesticide application area.

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

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

The message must contain the following information :

- (1) the name and telephone number of the owner or operator of the territory where the 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 on access to the treated premises and on consumption of plants from the 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 the work until the message has been published or broadcast.

64. An owner or operator of a road, railway or power corridor who intends to apply pesticides or have pesticides applied for their maintenance must, before the work begins, notify the regional office of the Ministère de l'Environnement and the municipality or, in the case of an unorganized territory, the regional county municipality.

The notice must be in writing and must be received at the regional office 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 and their permit and certificate numbers;
- (3) the total area to be treated;
- (4) the name and registration number of the pesticides to be applied;
- (5) the proposed quantity, dosage and number of pesticide applications;
- (6) the proposed date of the work; and
- (7) the name, address and telephone number of any person responsible for providing information on the work.

The following documents must be sent with the notice :

(1) a map describing the pesticide application areas and the sections within those areas on which the application of pesticides is prohibited under the first paragraph of sections 50 and 52 and sections 59 and 60;

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

(3) a copy of the message required by section 63.

The permit holder responsible for the carrying out of the work may not start the work until the notice has been given.

65. An owner or operator of a road, railway or power corridor who applies pesticides or has pesticides applied for their maintenance must keep a register of the work and enter the following information: the dates of pesticide application, the name and registration number of the pesticides used, the areas treated 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 after the date of the last entry.

66. An owner or operator of a road, railway or power corridor must send to the Minister a report on the pesticide application carried out to maintain the corridor. The report must give the name, quantity and registration number of the 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.

4. Ornamental horticulture

67. A person who, for remuneration, applies pesticides as described in a Subclass C4 permit may not apply pesticides impregnated or mixed with fertilizer on lawns unless, in the latter case, the fertilizer and pesticides are kept in separate containers.

5. Ornamental horticulture and extermination

68. A person who applies pesticides as described in a Subclass C4, C5, D4 or D5 permit may not apply pesticides containing an active ingredient listed in Schedule I on a lawn other than a golf course lawn.

69. The holder of a Subclass C4, C5, D4 or D5 permit who prepares Class 1, Class 2 or Class 3 pesticides or who loads or unloads a sprayer containing such pesticides must do so in a containment works.

70. A 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. The person must also ensure that no pet is exposed to the pesticide.

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

71. A 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 points of access to the treated area if the area is fenced or otherwise delimited.

If the treated area is not fenced or otherwise delimited or is only partly so, a sign must be posted every 20 linear metres along the perimeter of the area.

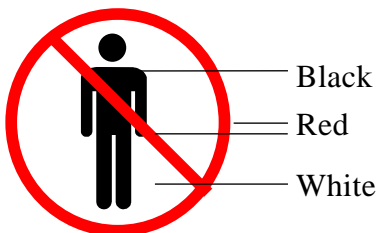
Those requirements do not apply to a person carrying out a pesticide application on a golf course or a pesticide injection into ornamental or decorative plants.

72. The sign required by section 71 must measure 12.7 cm by 17.7 cm, be conspicuous, weather resistant and contain the following information, pictogram and warnings:

(1) on the front,

(a) at the top of the sign, the words “TRAITEMENT AVEC PESTICIDES” and the warning “*NE PAS ENTRER EN CONTACT AVANT LE*”, with, at the end of warning in legible characters, the date and time of the end of the prohibition period which must be at least 24 hours after the pesticide application;

(b) under the above, the following pictogram:



(c) under the pictogram, the plants treated;

(d) at the bottom of the sign, the words: “Laisser sur place un minimum de 24 heures”; and

(2) on the back,

(a) the following items:

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

including, for each item above, information on the date and time of the pesticide application and the common name of the active ingredient of the pesticide used, the registration 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.

Where the pesticide application includes the exclusive use of biopesticides or pesticides containing an ingredient listed in Schedule II, the circle and slash on the pictogram referred to in item *b* of subparagraph 1 of the first paragraph may be either red or yellow.

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

73. An owner or operator of a golf course who applies pesticides or has pesticides applied on the golf course must, every three years beginning on 3 April 2006, 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, tee off areas, alleyways, sand traps and roughs, in hectares;

(2) pesticides:

(a) the total quantity of pesticides applied annually in the three years preceding the sending of the plan to the Minister for the following classes of pesticides, with an indication of the area treated for each class :

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

(b) the name of each pesticide used for each category and its registration number ;

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

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

(4) methods used to observe, monitor and detect harmful organisms and the data collected, the preventive measures, the cultivation methods and the control methods used to attain the pesticide reduction objectives ;

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

(6) an evaluation of the results attained in regard to the reduction plan for the three previous years, their justifications and the corrective adjustments to be made, if any.

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

74. A person who applies pesticides on trees, shrubs or lawns on a golf course must post a sign at the registration desk and at the tee off area of each hole where the pesticide is applied.

Each sign posted at a tee off area must measure 12.7 cm by 17.7 cm, be conspicuous, weather resistant and contain the following information :

(1) at the top of the sign, the words “TRAITEMENT AVEC PESTICIDES” ;

(2) under the above warning, the following items :

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

including, for each item above, information on the location of application, the date and time of application, the common name of the active ingredient of the pesticide used, the registration 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 posted on the tee off area may not contain any information other than the information prescribed in the second paragraph and must remain in place for at least 24 hours after the pesticide application.

The sign posted 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

75. The provisions of sections 76 to 86 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.

76. It is prohibited to apply pesticides

(1) less than 100 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 waterworks if, in the latter case, the average daily operating capacity is greater than 75 m³ ; and

(2) less than 30 metres from any other surface water intake for water intended for human consumption, or from any other groundwater catchment works, except works supplying a building that is a dwelling in a forest area used from time to time.

77. A 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, including the limits of any areas in which the application of pesticide is prohibited under section 76, 80 or 86 that are contiguous to or within the limits of the pesticide application area.

78. A pilot who applies pesticides by means of an aircraft or a person who supervises such an application from another aircraft must have a map or aerial photograph at hand showing the pesticide application area and the sections of that area within which the application of pesticides is prohibited under section 30, 76, 80 or 86, and showing a 300-metre strip around the pesticide application area.

2. Forest or non-agricultural purposes

79. Section 40 does not apply to a person who applies pesticides in a forest area or for non-agricultural purposes.

80. Phytocides, other than phytocides applied on dikes and dams, applied in a forest or for non-agricultural purposes must be applied more than 30 metres from a watercourse or body of water or a protected immovable if the height of the application apparatus from the ground is less than 5 metres, and more than 60 metres from a watercourse or body of water or protected immovable if the height of the application apparatus from the ground is 5 metres or more.

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

81. A person who intends to apply pesticides other than insecticides for purposes of forest management or preservation in a forest area described in section 54 must, before any application, post a sign at the point of access of each passable road leading into the area to be treated in accordance with the second, third and fourth paragraphs of section 57.

82. An owner or operator of a forest area in the domain of the State who intends to apply pesticides or have pesticides applied over more than 100 hectares in

the same year in the same administrative region, or an owner or operator of a road, railway or power corridor who intends to apply pesticides or have pesticides applied must, before the work begins, publish a message describing the work to be carried out in a newspaper circulated in the territory where the work will be carried out or broadcast the message on a radio or television station in that territory in accordance with the second and third paragraphs of section 63.

The permit holder responsible for the work may not start the work until the message has been published or broadcast.

83. Except if the application of pesticides is subject to the environmental impact assessment and review procedure under the Environment Quality Act, a person who intends to apply or have phytocides or *Bacillus thuringiensis* (*kurstaki* variety) applied in a forest or for non-agricultural purposes must, before the work begins, notify the regional office of the Ministère de l'Environnement and the municipality, or in the case of an unorganized territory, the regional county municipality, in the manner prescribed in the second and third paragraphs of section 64. The notice must indicate the location of the operations base of any aircraft used and the potential sites of emergency release should the aircraft be in difficulty.

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

84. A person who applies or has phytocides or *Bacillus thuringiensis* (*Kurstaki* variety) applied in a forest or for non-agricultural purposes must keep a register of the work.

Where the pesticide is applied in a forest in the domain of the State or in a road, railway or power corridor, the requirement set out in the first paragraph devolves on the owner or operator of the forest or corridor.

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

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

85. A person who applies or has phytocides or *Bacillus thuringiensis* (*Kurstaki* variety) applied in a forest or for non-agricultural purposes must send to the Minister a report on the application of the pesticides.

Where the pesticide is applied in a forest in the domain of the State, or in a road, railway or power corridor, the requirement set out in the first paragraph devolves on the owner or operator of the forest or corridor.

The report must specify the name, quantity and federal registration number of the 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. Agricultural purposes and non-forest environment

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

For the purposes of the first paragraph, the watercourses referred to in “watercourse or body of water” are the parts of a watercourse wider than 4 metres; that width is measured from the normal high water mark of the watercourse as defined in the policy referred to in the second paragraph of section 1. For watercourses whose width is less than 4 metres, the prohibition set out in section 30 continues to apply.

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

CHAPTER V PENAL

87. Every person who commits an offence

(1) under the provisions of sections 5, 6, 8 to 33, 35 to 40, 42 to 48, 50 to 53, 55 to 64, 66 to 74, 76 to 78, 80 to 83, 85 and 86 is liable to the penalties prescribed in section 118 of the Pesticides Act; or

(2) under the provisions of sections 65 and 84 is liable to the penalties prescribed in section 112 of the Pesticides Act.

CHAPTER VI FINAL

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

89. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 26 which comes into force on 3 April 2004, sections 11, 12, 19 and 27 which come into force on 3 April 2005, sections 25 and 68 which come into force on 3 April 2006, and section 52 which comes into force on 3 April 2008.

SCHEDULE I (ss. 25, 31 and 68)

PROHIBITED ACTIVE INGREDIENTS

Insecticides

Carbaryl
Dicofol
Malathion

Fungicides

Benomyl
Captan
Chlorothalonil
Iprodione
Quintozène
Thiophanate-méthyl

Herbicides

2,4-D (present as sodium salt)
2,4-D (present as ester)
2,4-D (present as acid)
2,4-D (present as amine salt)
Chlorthal diméthyl
MCPA (present as ester)
MCPA (present as amine salt)
MCPA (present as potassium or sodium salt)
Mecoprop (present as acid)
Mecoprop (present as amine salt)
Mecoprop (present as potassium or sodium salt)

SCHEDULE II

(ss. 32, 33 and 72)

AUTHORIZED ACTIVE INGREDIENTS**INSECTICIDES**

Acetamiprid
 Boric Acid
 Borax
 Silicon dioxide (diatomaceous earth)
 Methoprene
 Disodium octaborate tetrahydrate
 Ferrous phosphide
 Insecticide soap
 Spinosad

FUNGICIDES

Sulfur
 Calcium sulfide or calcium polysulfide

HERBICIDES

Acetic Acid
 Mixture of capric and pelargonic acids
 Herbicide soap

5662

Gouvernement du Québec

O.C. 332-2003, 5 March 2003

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

**Permits and certificates for the sale and use
 of pesticides
 — Amendments**

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

WHEREAS, under paragraphs 1, 3 to 5, 8, 10 and 11 of section 109 of the Pesticides Act (R.S.Q., c. P-9.3), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides was published in Part 2 of the *Gazette officielle du Québec* of 3 July 2002 with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of the Environment:

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

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

**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 to 5, 8, 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 under 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 impregnated with a fertilizer, except a mixture in Class 3.”

3. Section 7 is amended

(1) by substituting “, cockroach or earwig” for “or cockroach” in clause *b* of subparagraph 1 of the first paragraph;

(2) by adding “that does not contain an active ingredient listed in Schedule I of the Pesticides Management Code made by Order in Council 331-2003 dated 5 March 2003” after “treatment” in clause *f* of subparagraph 1 of the first paragraph;

* 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.