

**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.

(3) by deleting clauses *a*, *c* and *n* of subparagraph 2 of the first paragraph;

(4) by inserting the following after clause *p* of subparagraph 2 of the first paragraph:

“(q) D-phenothrin;

(r) boric acid;

(s) disodium octaborate tetrahydrate;

(t) sulfur;

(u) calcium sulphide or calcium polysulphide;

(v) ferric phosphate;

(w) spinosad;

(x) acetamipride; or

(y) borax; or”; and

(5) by substituting “sous-paragraphes *o* et *p*” for “paragraphes *o* et *p*” in the French text of the second paragraph.

#### 4. Section 12 is amended

(1) by striking out “or a Subclass B1 retail permit” in paragraph 1; and

(2) by inserting the following after paragraph 1:

“(1.1) the sale or offer for sale of a Class 1 to Class 3 and a Class 5 pesticide to a person holding a Subclass B1 retail permit;”.

#### 5. 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 striking out “E4 or” in clause *ii* of subparagraph *b* of paragraph 1;

(3) by striking out subparagraph *e* of paragraph 1;

(4) by striking out clause *ii* of subparagraph *e* of paragraph 1; and

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

#### 6. 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 change in the Consumer Price Index for Canada as published by Statistics Canada; the rate shall be calculated by establishing the difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes 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 and, if the Minister considers it appropriate, in any other media.”.

7. Section 26 is amended by substituting the following for the first paragraph:

“26. The fees prescribed in section 21 apply to an application for modification of a Class B “Retail Permit” where the holder applies for a modification or an addition of a subclass.”.

8. Section 33 is amended by substituting the following for paragraph 1:

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

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

9. 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 a 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 the retail sales activities related to Class 1 to Class 4 pesticides, included in Subclasses B1 and B2 described below, performed by a natural person:

(1) a Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3 Pesticides” authorizes the holder to perform the retail sales activities described in a 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 the holder to perform the retail sales activities described in a Class B “Retail Permit”, Subclass B2, in respect of Class 4 pesticides, or to supervise those activities at the places where they are performed.”.

**10.** Section 36 is amended

(1) by striking out “, E4” 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 the Application of 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, in 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 the 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 striking out “, E4” 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.

**11.** 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 the Application of 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 Title 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;”.

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

**13.** Section 43 is amended by adding the following after the first paragraph:

“In addition, the holder of a Class A or Class B certificate may not supervise or perform sales activities not authorized in the certificate.”.

**14.** Section 47 is amended by substituting “registration issued pursuant to the federal Pest Control Products Act” for “federal registration” in subparagraph 2 of the second paragraph.

**15.** Section 49 is amended

(1) by striking out subparagraph *e* of subparagraph 2 of the second paragraph; and

(2) by striking out clause *ii* of subparagraph *e* of subparagraph 2 of the second paragraph.

**16.** 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 “registration” for “federal registration” in 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.

**17.** Sections 57 to 59 and Schedule I are revoked.

**18.** A Subclass E1.1 “Farm Producer’s Certificate for the Application of Class 3 Pesticides” established by section 10 is required in keeping with the following deadline:

(1) on 3 April 2005, for a farmer, a person authorized to act on behalf of a farmer or an employee of a farmer, whose family names begin with the letters A to D;

(2) on 3 April 2006, for the persons referred to in paragraph 1, whose family names begin with the letters E to L; and

(3) on 3 April 2007, for the persons referred to in paragraph 1, whose family names begin with the letters M to Z.

**19.** A Subclass F1.1 “Forest Producer’s or Forest Management Permit Holder’s Certificate for the Application of Class 3 Pesticides” established by section 11 is required on 3 April 2005.

**20.** A Subclass B1 “Permit for the Retail Sale of Class 1 to Class 4 Pesticides” that has not expired on 3 April 2003 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 4 Pesticides”.

**21.** A Class AB “Certificate for the Sale of Pesticides” that has not expired 3 April 2003 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”.

**22.** A Subclass E4 “Certificate for the Fumigation of Phosphine” that has not expired on 3 April 2003 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”.

**23.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 4 of section 5 and paragraph 2 of section 15 which come into force on 3 April 2005, and paragraph 3 of section 5 and paragraph 1 of section 15 which come into force on 3 April 2007.

Gouvernement du Québec

## O.C. 333-2003, 5 March 2003

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

### Regulation — Amendments

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

WHEREAS, under paragraphs *c* and *f* of section 31 of the Environment Quality Act (R.S.Q., c. Q-2), 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) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), a draft Pesticides Management Code and Regulation to amend the Regulation respecting the application of the Environment Quality Act 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 the application of the Environment Quality Act 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 the application of the Environment Quality Act, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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