

27. Section 146 is amended by replacing “243” by “486”.

28. Section 163 is amended by replacing “1 year” by “2 years”.

29. Section 178 is amended by striking out “certified”.

30. Forms N-22 to N-46 are struck out.

31. Contracts in effect when this Regulation comes into force are exempt from the application of sections 214.6 to 214.8 of the Act and sections 25.4 to 25.8 of this Regulation.

32. This Regulation comes into force on *(insert the date of coming into force of the Act to amend the Consumer Protection Act and other legislative provisions (2009, c. 51))*.

9791

Draft Regulation

Crop Health Protection Act
(R.S.Q., c. P-42.1)

Cultivation of potatoes

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 respecting the cultivation of potatoes, appearing below, may be made by the Minister of Agriculture, Fisheries and Food on the expiry of 45 days following this publication.

The draft Regulation identifies the harmful organisms covered by the Crop Health Protection Act and the phytosanitary measures that apply with respect to potato crops.

To date, study of the matter reveals that the draft Regulation will have insignificant economic impact on Québec’s small and medium-sized businesses.

Further information may be obtained by contacting Alain Garneau, Direction de l’innovation scientifique et technologique, Ministère de l’Agriculture, des Pêcheries et de l’Alimentation, 200, chemin Sainte-Foy, 9^e étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100, extension 3560; fax: 418 380-2162; e-mail: Alain.Garneau@mapaq.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Alain Garneau at the above address.

ROBERT DUTIL,
*Minister of Agriculture,
Fisheries and Food*

Regulation respecting the cultivation of potatoes

Crop Health Protection Act
(R.S.Q., c. P-42.1, ss. 4, 8 and 27)

DIVISION I GENERAL

1. For the purposes of the Crop Health Protection Act (R.S.Q., c. P-42.1), the following are harmful organisms:

(1) bacterial ring rot of potato (*Clavibacter michiganensis* subsp. *Sepedonicus*);

(2) late blight (*Phytophthora infestans*);

(3) potato cyst nematodes (PCN) (*Globodera pallida* and *Globodera rostochiensis*);

(4) potato leafroll virus (PLRV);

(5) potato mosaic viruses, including potato virus Y (PVY).

In this Regulation, “potato” means any part of a potato plant, including tubers, stems, leaves, roots, microtubers and *in vitro* plantlets.

2. In every operation that has a potato crop area of 1 hectare or more, only potatoes that are graded according to the Seeds Act (R.S.C. 1985, c. S-8) may be planted for food or processing purposes.

3. In every crop cultivated for research purposes, only potatoes that are graded according to the Seeds Act may be planted unless an inspector is so notified prior to their acquisition.

4. Documents certifying the grade of the lots of seed potatoes under the Seeds Act and invoices for seed potatoes used must be kept for 2 years at the main establishment in Québec of the owner or custodian of the crops.

5. Between the emergence and complete top-killing of potato crops, the owner or custodian must, in order to prevent the spreading of late blight, eliminate potato debris in the crop and, if applicable, in the operation or keep them in a closed location or under a tarp.

6. Where the presence of late blight is confirmed or an indication of that presence is observed, the owner or custodian of the infected property must take measures to prevent its spreading, in particular the application of treatments registered pursuant to the Pest Control Products Act (S.C. 2002, c. 28), the destruction of infected plants or the top-killing of potato crops.

7. Where a laboratory diagnosis confirms the presence of bacterial ring rot in a potato crop operation, the owner or custodian must

(1) remove the potato debris and infected potatoes in the operation;

(2) clean in such a way as to eliminate all traces of soil and plant debris and disinfect warehouses, vehicles, equipment and containers that came into contact with the potatoes of the operation or, in the case of containers, destroy them;

(3) refrain, in the following year, from planting potatoes in any field where bacterial ring rot has been diagnosed;

(4) where a crop is not covered by section 2 or 3, plant only potatoes graded according to the Seeds Act for a period of 2 years.

DIVISION II

PROTECTED CROP ZONES

8. The provisions of this Division apply in every protected crop zone determined by the Government pursuant to section 7 of the Crop Health Protection Act.

9. In every potato crop, only potatoes that are produced in a protected crop zone and graded according to the Seeds Act may be planted.

Despite the first paragraph, if no seed potato of a specific variety produced in a protected crop zone is available, seed potatoes of that variety produced outside such a zone may be planted provided that, prior to their acquisition, an inspector is so notified and that it is shown to the inspector that the potatoes are graded Nuclear stock or comply with the following requirements:

(1) they are graded Elite II or better;

(2) they are produced in an operation where the result of a screening for potato cyst nematodes, performed according to a scientifically recognized protocol, was negative;

(3) they come from a lot of potatoes subjected to a post-harvest test carried out on a representative sampling using an enzyme-linked immunosorbent assay (ELISA) or polymerase chain reaction (PCR) that revealed a combined percentage of the potato leafroll virus and potato virus Y lower than or equal to 2%.

10. The owner or custodian of every potato crop must, once a year, clean and disinfect warehouses, vehicles, equipment and containers that came into contact with potatoes.

11. Every part of a delivery vehicle likely to have been in contact with potatoes must meet the following requirements before each entry of the vehicle into a seed potato operation for a first bulk loading:

(1) it has been cleaned in such a way as to eliminate all traces of soil and potato debris;

(2) it has been disinfected in a disinfection centre using a germicide registered pursuant to the Pest Control Products Act;

(3) it has not been in contact with potatoes or any property infected by a harmful organism since the disinfection.

The driver of the vehicle must give a copy of the disinfection certificate issued by the person in charge of the disinfection centre to the owner or custodian of the first seed potato crop operation where the vehicle enters after its disinfection.

The disinfection certificate must be kept for 2 years at the main establishment in Québec of the owner or custodian of the operation.

12. Used potato farming, packaging or processing equipment from outside a protected crop zone may only be brought into a potato crop, processing or packaging operation after having been cleaned and disinfected in such a way as to prevent the spreading of bacterial ring rot and cyst nematodes.

Before a person may bring into one or a number of potato crop operations excavating equipment that has been used outside a protected crop zone, the person must clean and disinfect the equipment to prevent the spreading of bacterial ring rot and cyst nematodes.

The equipment must be examined by an inspector or a person designated under section 5 of the Seeds Act before being used in the operation or, in the case of excavating equipment, in the first operation.

13. No person may bring into a potato crop operation, potatoes that have been kept in a commercial establishment or in containers that have been in contact with the potatoes.

14. Potatoes produced outside a protected crop zone may not be stored, packaged or processed for commercial purposes in a protected crop zone unless an inspector has been notified in advance and the following has been demonstrated to the inspector:

(1) the absence of detection of bacterial ring rot in lots of potatoes and cyst nematodes in the operation where those potatoes are produced; or

(2) the measures for the recovery and elimination of the soil and potato debris that will be taken to prevent the spreading of harmful organisms.

15. A person must immediately report to the Minister the presence of potato late blight or bacterial ring rot and any indication of that presence and provide the Minister, on request, with any related information.

16. Where the presence of bacterial ring rot is confirmed or an indication of that presence is observed, the owner or custodian must take measures to prevent its spreading, in particular the elimination of tubers and potato debris and the cleaning and disinfection of warehouses, vehicles and equipment that have been in contact with potatoes.

Where infected potatoes must be transported to a packaging or processing operation, the owner or custodian must also first notify an inspector.

In addition, where a laboratory diagnosis confirms the presence of bacterial ring rot in an operation, no potato produced in that operation during the following 2 years may be transferred to be planted in a protected crop zone.

17. Where potato plants show visual symptoms of the potato leafroll virus or a potato mosaic virus of a combined percentage greater than 5%, the owner or custodian of the crop must control aphids using treatments registered pursuant to the Pest Control Products Act during the entire production period.

DIVISION III TRANSITIONAL AND FINAL

18. Diseases and harmful insects designated by the Plant Protection Regulation, made by Order in Council 1366-96 (1996, *G.O.* 2, 4703), which, under section 45 of the Crop Health Protection Act, are deemed to be harmful organisms, remain so.

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

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Draft Regulation

An Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1)

Sale, lease and granting of immovable rights — 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 the sale, lease and granting of immovable rights on lands in the domain of the State, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends certain provisions concerning rough shelters, particularly by authorizing a maximum area of 30 m² in the administrative region of Abitibi-Témiscamingue and by fixing the rent for that use at \$150 a year. It introduces measures related to the transfer of leasing rights for vacation purposes further to a right awarded by drawing of lots. It specifies certain special conditions for the granting of commercial and industrial projects on lands in the domain of the State so that the project with the most positive impacts in terms of sustainable development may be selected. Lastly, it revises certain prices, rents or administration fees, as well as the market value of the reference lands which is used to determine the rents for cottages on lands in the domain of the State.

The draft Regulation has no impact on small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Mario Perron, director of territory policies and integrity, 5700, 4^e Avenue Ouest, bureau C 306, Québec (Québec) G1H 6R1; telephone: 418 627-6362, extension 2601; fax: 418 646-6847; e-mail: mario.perron@mrnf.gouv.qc.ca