

**Draft Regulation**

Environment Quality Act  
(chapter Q-2)

**Halocarbons  
— Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting halocarbons, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting halocarbons with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation amends certain sections in order to update them by striking out outdated references so that the requirements provided for therein may apply in the same manner in all situations, the transitional period having ended.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

**Regulation to amend the Regulation  
respecting halocarbons**

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpars. *c* and *e*, s. 70.19, 1st par., subpars. 14, 15, 16, 18, and ss. 115.27 and 115.34)

**1.** The Regulation respecting halocarbons (chapter Q-2, r. 29) is amended by replacing section 20 by the following:

“**20.** No person may refill a refrigeration or air conditioning unit with a CFC.

No person may repair, transform or modify a unit designed to operate with a CFC, except to enable it to operate with a halocarbon other than a CFC or a substance other than a halocarbon.”

**2.** Section 27 is amended by striking out “As of 23 December 2005,” in the second paragraph.

**3.** Section 34 is replaced by the following:

“**34.** No person may charge or recharge a portable fire extinguisher with halon.”

**4.** Section 35 is revoked.

**5.** Section 41 is amended

(1) by replacing the first paragraph by the following:

“No person may use a solvent that contains a CFC or HCFC or use a product that contains such a solvent.”;

(2) by striking out the second paragraph;

(3) by replacing “The first and second paragraphs do” in the third paragraph by “The first paragraph does”.

**6.** The following is inserted after section 61:

**CHAPTER V.1  
MONETARY ADMINISTRATIVE PENALTIES**

**61.1.** A monetary administrative penalty of \$250 in the case of a natural person or \$1,000 in other cases may be imposed on any person who fails

(1) to see that a label is affixed to a container, unit or part in accordance with the second paragraph of section 9, 14, 15 or 32;

(2) to carry on his or her person a labour force environmental qualification attestation that complies with section 46 or 47;

(3) to maintain a log containing the information prescribed by section 59 or give a copy of the information to the owner in accordance with the second paragraph of that section;

(4) to retain the log provided for in section 59 or the copy of the information entered in the log in accordance with section 60.

**61.2.** A monetary administrative penalty of \$350 in the case of a natural person or \$1,500 in other cases may be imposed on any person who fails to file with the Minister a report containing the information prescribed by the second paragraph of section 12 or 13, section 37, the second paragraph of section 57 or section 61 in accordance with those sections.

**61.3.** A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who fails

(1) to conduct a leak test, in the cases provided for in the first paragraph of section 9 or section 22 or 28 in accordance with those sections;

(2) to ensure, in the cases provided for in section 50 or the first paragraph of section 51, that a person or enterprise, or, where applicable, a person in that person's employ holds an environmental qualification attestation that complies with the requirements of those sections.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) sells or distributes a halocarbon referred to in section 7 without complying with the conditions provided for in that section;

(2) carries out the work referred to in section 43 without having the qualifications required by section 44 or 45.

**61.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to use the appropriate equipment to recover a halocarbon or halon, or, where applicable, to have a halocarbon or halon confined within a container designed for that purpose, in accordance with the first or third paragraph of section 10, the third paragraph of section 11, the first

paragraph of section 14, the first or third paragraph of section 15, the first paragraph of section 31, 32 or 36, in the cases provided for therein;

(2) to make the recovery or recycling equipment prescribed by any of sections 10, 14, 15, 31, 32 or 36 available to a person in his or her employ who carries out work referred to in section 16;

(3) to identify the nature of a halocarbon using a device designed for that purpose in the case provided for in the second paragraph of section 31;

(4) to comply with any of the conditions prescribed by sections 53 to 56.

The penalty provided for in the first paragraph may also be imposed on any person who installs or permits the installation on a chiller of an air extraction system whose emissions into the atmosphere exceed the standards prescribed by the first paragraph of section 27.

**61.5.** A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in other cases may be imposed on any person who

(1) fails to notify the Minister in case of accidental release of a halocarbon into the atmosphere in accordance with subparagraph 1 or 2 of the first paragraph of section 13, as the case may be;

(2) temporary refills a chiller with a CFC without having immediately filed a report with the Minister containing the information prescribed by section 25.

**61.6.** A monetary administrative penalty of \$1,500 in the case of a natural person or \$7,500 in other cases may be imposed on any person who

(1) manufactures, sells or distributes a pressurized container or an aerosol referred to in section 6;

(2) fills or refills, charges or recharges with a halocarbon, a container, a unit or a fire extinguisher referred to in section 8;

(3) manufactures, sells, distributes or installs a refrigeration or air conditioning unit or a chiller in contravention of section 19, 21 or 23;

(4) refills a refrigeration or air conditioning unit with a CFC or repairs, transforms or modifies a unit designed to operate with a CFC in contravention of section 20;

(5) refills a chiller with a CFC referred to in the second paragraph of section 24 as of the date provided for in that section;

(6) operates a chiller with a CFC referred to in section 26 as of the date provided for in that section;

(7) manufactures, sells, distributes, installs, repairs, transforms or modifies an air conditioning unit referred to in section 30 in contravention of that section;

(8) manufactures, sells, distributes or installs a fire extinguisher operating with halon in contravention of section 33;

(9) charges or recharges a portable fire extinguisher with halon in contravention of section 34;

(10) manufactures, sells or distributes plastic foam or a product containing plastic foam referred to in section 39.

The penalty referred to in the first paragraph may also be imposed on any person who uses

(1) a gas containing a CFC or HCFC for sterilization purposes in contravention of section 40;

(2) a solvent or a product referred to in the first or second paragraph of section 41 in conditions other than one of the conditions provided for in the third paragraph of that section;

(3) carbon tetrachloride or methyl chloroform or a product that contains either of those substances in conditions other than one of the conditions provided for in the second paragraph of section 42 in contravention of that section.

**61.7.** A monetary administrative penalty of \$2,000 in the case of a natural person or \$10,000 in other cases may be imposed on any person who

(1) directly or indirectly emits a halocarbon or causes or allows a halocarbon to be emitted into the atmosphere in contravention of section 5;

(2) fails to recover a halocarbon in the cases provided for in the first or second paragraph of section 10, the first paragraph of section 14, the first or third paragraph of section 15, the first paragraph of section 31 or 32 or section 36;

(3) fails, in the case of a halocarbon leak, to take the measures referred to in the first or second paragraph of section 11 or the first paragraph of section 12;

(4) operates or permits the operation of an air extraction system whose emissions into the atmosphere exceed the standards prescribed by the second paragraph of section 27.”

**7.** The heading of Chapter VI is amended before section 62 by adding “SANCTIONS” after “PENAL”.

**8.** Sections 62 to 67 are replaced by the following:

“**62.** Every person who contravenes the second paragraph of section 9, 14, 15 or 32, section 46, 47, 59 or 60 commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 or, in other cases, to a fine of \$3,000 to \$600,000.

**63.** Every person who contravenes the second paragraph of section 12 or 13 or section 37, the second paragraph of section 57 or section 61 commits an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 or, in other cases, to a fine of \$6,000 to \$600,000.

**64.** Every person who contravenes section 7, the first or third paragraph of section 9, section 22, 28, 43, 50 or 51 commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 or, in other cases, to a fine of \$7,500 to \$1,500,000.

**65.** Every person who

(1) fails to use the appropriate equipment to recover a halocarbon or halon or, where applicable, to confine a halocarbon or halon within a container designed for that purpose, in accordance with the first or third paragraph of section 10, the first or third paragraph of section 11, the first paragraph of section 14, the first or third paragraph of section 15, the first paragraph of section 31, 32 or 36,

(2) contravenes section 16, the first paragraph of section 27, the second paragraph of section 31 or any of sections 53 to 56,

commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**66.** Every person who

(1) contravenes the first paragraph of section 13 or section 25,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, false or misleading,

commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$15,000 to \$3,000,000.

**67.** Every person who contravenes section 6 or 8, any of sections 19 to 21, section 23, the second paragraph of section 24, section 26, 30, 33, 34 or any of sections 39

to 42 commits an offence and is liable, in the case of a natural person, to a fine of \$8,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$24,000 to \$3,000,000.

**67.1.** Every person who

(1) fails to recover the halocarbons in the situations referred to in the first or second paragraph of section 10, the first or second paragraph of section 11, section 14, 15, 31, 32 or 36,

(2) contravenes the first paragraph of section 12 or the second paragraph of section 27,

commits an offence and is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or to both the fine and imprisonment, or, in other cases, to a fine of \$30,000 to \$6,000,000.

**67.2.** Every person who contravenes section 5 commits an offence and is liable, in the case of a natural person, to a fine of \$12,500 to \$1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or to both the fine and imprisonment, or, in other cases, to a fine of \$37,500 to \$6,000,000.

**67.3.** Every person who contravenes any other requirement imposed by this Regulation also commits an offence and is liable, where no other penalty is provided for by this Chapter or the Environment Quality Act (chapter Q-2), to a fine of \$1,000 to \$100,000 in the case of a natural person or, in other cases, to a fine of \$3,000 to \$600,000.<sup>7</sup>.

**9.** Section 68 is revoked.

**10.** 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

Environment Quality Act  
(chapter Q-2)

### Hazardous materials — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2),

that the Regulation to amend the Regulation respecting hazardous materials, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting hazardous materials with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to add monetary administrative penalties and amend the penal provisions provided for in the current Regulation. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of certain minimum fines and, for offences considered to be more serious, terms of imprisonment.

The draft Regulation finally proposes some technical amendments to adjust outdated provisions and an amendment to section 70 so that the requirements in that section apply to the owner or operator rather than to the professional who carries out the work.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mdefp.gouv.qc.ca

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