

(2) by replacing the second paragraph by the following:

“A professional referred to in the first paragraph refers to a professional within the meaning of section 1 of the Professional Code (chapter C-26). The following persons are also deemed to be a professional:

(1) a person authorized by a professional order to perform an activity reserved for the members of the order;

(2) a person licensed or certified in site characterization and site rehabilitation by a certification body accredited by the Standards Council of Canada under ISO Standard 17024.”

2. Section 26 is amended by replacing “given by a person” in paragraph 2 by “signed by a professional”.

3. Section 32 is amended by replacing “given by a person” in paragraph 2 by “signed by a professional”.

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

106134

Draft Regulations

Act respecting threatened or vulnerable species
(chapter E-12.01)

Act respecting certain measures enabling the enforcement
of environmental and dam safety legislation
(chapter M-11.6)

Pesticides Act
(chapter P-9.3)

Dam Safety Act
(chapter S-3.1.01)

Threatened or vulnerable plant species and their habitats

Pesticides management

Permits and certificates for the sale and use of pesticides

Dam safety

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting threatened or vulnerable plant species and their habitats,

the Regulation to amend the Pesticides Management Code, the Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides and the Regulation to amend the Dam Safety Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulations make amendments, in particular, to implement the provisions of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (chapter 8 of the Statutes of 2022). Various other amendments are also made to the Regulations.

The Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3) is amended to allow wild leek plants to be transplanted under certain conditions. Two plant habitats are removed from the Regulation, while eight new plant habitats are added and changes are made to the description of several plant habitats. Some servicing activities carried out by Hydro-Québec and the Minister responsible for the Act respecting roads (chapter V-9) are permitted under certain conditions. Lastly, monetary administrative penalties and penal sanctions are added to the Regulation for failures to comply with the new provisions.

The Pesticides Management Code (chapter P-9.3, r. 1) is amended, in particular, to restrict the use of pesticides in the urban environment, to strengthen, except in certain cases, the rules governing pesticides used to maintain green areas and indoor plants or for pest control, and to update the rules governing the pesticides whose use is authorized inside or outside day care centres and schools. Other amendments allow the application of pesticides along watercourses, in particular for research and experimental projects and to control certain plants which are toxic on contact, as well as certain invasive exotic plants. A prohibition on the possession of a pesticide containing a prohibited active ingredient is added to the Regulation. To better protect aquatic life and bees, seeds coated with insecticides of the diamide Class will be subject to the agronomic justification and prescription already required for seeds coated with neonicotinoids. The planting of seeds coated with fungicides (Class 3B) is regulated. Monetary administrative penalties are added to the Regulation and the penal sanctions are modified.

The Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2) is amended to separate work on green areas and work on golf courses into two separate subclasses. The holders of a Retail Permit will now be required to provide the same information with respect to Class 1 to 3B pesticides as

the holders of a Wholesale Permit, making it possible to obtain a regional overview of pesticide sales in Québec. Adjustments are made to the rules governing the conservation of documents, the filing of documents with the Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs and the use of online services, while monetary administrative penalties are added and the penal provisions are modified.

Lastly, the Dam Safety Regulation (chapter S-3.1.01, r. 1) is amended to simplify the application of certain sections, in particular concerning the process for filing emergency action plans and impounded water management plans and the process for declaring “low capacity” dams. A deposit will no longer be required for the fees payable for an application for authorization. Other amendments are made to

— adjust the contents, in a targeted manner, of dam safety reviews and applications for authorization to clarify their contents and simplify their application;

— streamline and detail some of the requirements for dam safety reviews and approvals of descriptions of remedial work, and for the resulting implementation schedules;

— adjust the requirements for applications for authorization for work on dams in the “low” or “very low” failure consequence category, for which a dam safety review will no longer be required;

— add the definitions of the terms “newly listed dam” and “dam newly classified as a high-capacity dam” to the Regulation to prescribe and clarify the provisions that apply to such dams;

— specify the situations in which the Minister may review a dam’s category or classification;

— add monetary administrative penalties and modify the penal provisions.

The amendments made to the Regulation respecting threatened or vulnerable plant species and their habitats are not expected to have any economic impact on enterprises. The amendments made by the other draft Regulations will involve costs for enterprises, mainly to ensure improved monitoring for pesticides. Some savings will be generated by the streamlining of the Pesticides Management Code, the Regulation respecting permits and certificates for the sale and use of pesticides and the Dam Safety Regulation.

Further information on the draft Regulations may be obtained by contacting Maude Durand, Acting Director, Bureau de stratégie législative et réglementaire, Ministère

de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 900, boulevard René-Lévesque Est, bureau 800, Québec (Québec) G1R 2B5; telephone: 418 521-3861, extension 4466; email: question.bslr@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to Maude Durand at the above contact information.

BENOIT CHARETTE

Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation to amend the Regulation respecting threatened or vulnerable plant species and their habitats

Act respecting threatened or vulnerable species (chapter E-12.01, s. 10, par. 2, s. 16, 2nd par., subpars. 1 and 2, s. 17, 2nd par., subpars. 1 and 2, and s. 39, 1st. par., subpars. 1, 3 and 7, and 2nd par.)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, ss. 30 and 45)

1. The Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3) is amended in section 4 by adding the following paragraph at the end:

“A person may also transplant wild leek plants (*Allium tricoccum* var. *tricoccum* and *Allium tricoccum* var. *burdickii*) under the following conditions:

(1) the plants would otherwise be destroyed because of an activity that will be carried out on the harvest site, in accordance with the Environment Quality Act (chapter Q-2);

(2) the transplantation is carried out between 15 May and 15 June;

(3) the transplantation is carried out manually;

(4) the transplantation site has features and conditions that are favourable to the survival of the plants to be transplanted;

(5) where 500 or more plants are to be transplanted, the transplantation work is supervised by a person with qualifications in biology, ecology, forestry, horticulture or landscaping; and

(6) an activity report is sent electronically to the Minister, using the forms or templates available on the website of the Minister's department, in the 30 days following the transplantation.”

2. Section 7 is amended

(1) by inserting the following habitats in alphabetical order:

— Alvar-de Quyon (Outaouais);

The habitat corresponds to lot 5 815 691, in the territory of Municipalité de Pontiac, Municipalité régionale de comté Les Collines-de-l'Outaouais. The habitat is demarcated on a chart prepared by the Minister;

— Battures-de-l'Île-aux-Oies (Chaudière-Appalaches);

The habitat corresponds to the marsh on the shores of the St. Lawrence River, in a place known and designated as “Battures de l'Îles aux Oies”, the western boundary of which is situated opposite lot 3 688 071 and the eastern boundary of which is situated opposite lot 3 474 982, in the territory of Municipalité de la paroisse de Saint-Antoine-de-l'Île-aux-Grues, Municipalité régionale de comté de Montmagny. The habitat is demarcated on a chart prepared by the Minister;

— Fief-de-Vitré (Chaudière-Appalaches);

The habitat corresponds to the intertidal zone, up to the boundary of the littoral zone, on the shores of the St. Lawrence River, from L'anse de Vincennes heading west up to lot 3 020 323, in the territories of Ville de Lévis and Municipalité de Beaumont, Municipalité régionale de comté de Bellechasse. The habitat is demarcated on a chart prepared by the Minister;

— Joannès (Abitibi-Témiscamingue);

The habitat corresponds to a group of springs situated approximately 2 kilometres to the north of Joannès lake, on the north side of Highway 117, in the territory of Ville de Rouyn-Noranda. The habitat is demarcated on a chart prepared by the Minister;

— Lac-Berry (Abitibi-Témiscamingue);

The habitat corresponds to the periphery of a spring and its effluents, including a part of lot 4 880 291, situated northwest of Berry lake, in the territory of Municipalité de Berry, Municipalité régionale de comté d'Abitibi. The habitat is demarcated on a chart prepared by the Minister;

— Marais-de-Saint-Jean-Port-Joli (Chaudière-Appalaches);

The habitat corresponds to the intertidal zone on the shores of the St. Lawrence River, up to the boundary of the littoral zone, up to Municipalité de Saint-Jean-Port-Joli, Municipalité régionale de comté de L'Islet, the western boundary of which is situated opposite lot 3 873 822 and the eastern boundary of which is situated opposite lot 6 369 963. The habitat is demarcated on a chart prepared by the Minister;

— Marais-Léon-Provancher (Capitale-Nationale);

The habitat corresponds to the intertidal zone, up to the boundary of the littoral zone, bounded on the shoreline by the Marais-Léon-Provancher nature reserve and to the east by the Battures-de-Saint-Augustin-de-Desmaures nature reserve, on the St. Lawrence River, in the territories of Ville de Neuville, Municipalité régionale de comté de Portneuf and Ville de Saint-Augustin-de-Desmaures. The habitat is demarcated on a chart prepared by the Minister;

— Ruisseau-des-Pères (Mauricie);

The habitat corresponds to an intertidal zone, up to the boundary of the littoral zone, to the east of the mouth of the Batiscan river, in the territory of Municipalité de Batiscan, Municipalité régionale de comté Les Chenaux. The habitat is demarcated on a chart prepared by the Minister;”;

(2) by replacing the description of the habitat of Baie-des-Anglais (Montérégie) by the following:

“The habitat corresponds to a zone situated northwest of the Marcel-Raymond ecological reserve, on the shores of the Richelieu river, to the west of Rang Mélaven road, in the territory of Municipalité d'Henryville, Municipalité régionale de comté du Haut-Richelieu. The habitat is demarcated on a chart prepared by the Minister;”;

(3) by replacing the description of the Boisé-de-Marly (Capitale-Nationale) habitat by the following:

“The habitat corresponds to lots 1 406 540, 1 660 355 and 1 660 358 situated in the Marly wooded area, in the territory of Ville de Québec (Sainte-Foy). The habitat is demarcated on a chart prepared by the Minister;”;

(4) by replacing “49-P, 51-P and 52-P of the third range of the cadastre of the parish of Saint-Grégoire” in the description of the Grand-Bois-de-Saint-Grégoire habitat by “4 160 249, 4 160 250 and 6 269 778”;

(5) by striking out the Hêtraie-du-Calvaire-d'Oka (Laurentides) habitat and its description;

(6) by replacing the description of the Île-Beauregard (Montérégie) habitat by the following:

“The habitat corresponds to the southern tier of lot 5 216 554 situated on Beauregard island, in the Beauregard island nature reserve, forming part of the îles de Verchères archipelago, in the territory of Municipalité de Verchères, Municipalité régionale de comté de Marguerite-d'Youville. The habitat is demarcated on a chart prepared by the Minister;”;

(7) by adding “The habitat is demarcated on a chart prepared by the Minister;” at the end of the description of the Île-Brisseau (Abitibi-Témiscamingue) habitat;

(8) by replacing the description of the Île-Rock (Montréal) habitat by the following:

“The habitat corresponds to a rocky island, named “île Rock”, and its littoral, situated in the Lachine Rapids, between Des Soeurs and Aux Chèvres islands, in the territory of Ville de Montréal (LaSalle). The habitat is demarcated on a chart prepared by the Minister;”;

(9) by replacing the Marais-de-la-Pointe-de-La Durantaye (Chaudière-Appalaches) habitat and its description by the following:

“—Marais-de-Saint-Michel-de-Bellechasse (Chaudière-Appalaches);

The habitat corresponds to the intertidal zone, up to the boundary of the littoral zone, to the west of the pier of Municipalité de Saint-Michel-de-Bellechasse, on the shores of the St. Lawrence River, in the Municipalité régionale de comté de Bellechasse. The habitat is demarcated on a chart prepared by the Minister;”;

(10) by replacing the description of the Marécage-de-la-Grande-Île (Lanaudière) habitat by the following:

“The habitat corresponds to the south-west part of lot 4 506 263 in the Grande-Île wildlife sanctuary, in the Îles de Sorel archipelago, in the territory of Municipalité de Saint-Ignace-de-Loyola, Municipalité régionale de comté de D'Autray. The habitat is demarcated on a chart prepared by the Minister;”;

(11) by replacing the description of the Marécage-de-l'Île-Bouchard (Lanaudière) habitat by the following:

“The habitat corresponds to a wetland complex, including a part of lot 3 731 028 on Bouchard island, forming part of the Îles de Verchères archipelago, in the

territory of Municipalité de la paroisse de Saint-Sulpice, Municipalité régionale de comté de L'Assomption. The habitat is demarcated on a chart prepared by the Minister;”;

(12) by replacing the description of the Marécage-de-l'Île-Marie (Montérégie) habitat by the following:

“The habitat corresponds to the channel between À Chalut and Marie islands, as well as to a strip of marshes and swamps situated on either side including a part of lots 5 216 557, 5 216 558 and 5 216 559, forming part of the Îles de Verchères archipelago, in the territory of Municipalité de Verchères, Municipalité régionale de comté de Marguerite-d'Youville. The habitat is demarcated on a chart prepared by the Minister;”;

(13) by replacing “194 of the 1st concession of the cadastre of the township of Chatham,” in the description of the Ormes-Lièges-du-Canton-de-Chatham (Laurentides) habitat by “4 422 524 at its southwestern extremity, a part of lot 4 423 878 at its western extremity and part of lot 4 424 034”;

(14) by replacing the description of the Parc-de-la-Plage-Jacques-Cartier (Capitale-Nationale) habitat by the following:

“The habitat corresponds to a section of the rocky cliffs of the promontory of Québec, in the territory of Ville de Québec (Sainte-Foy), bounded to the north by land owned by the Canadian National Railway Company and to the south by a drop-off. The habitat is demarcated on a chart prepared by the Minister;”;

(15) by replacing the description of the Parc-du-Mont-Royal (Montréal) habitat by the following:

“The habitat corresponds to a part of lot 1 354 904, situated in the north-east sector of Parc du Mont-Royal, in the territory of Ville de Montréal. The habitat is demarcated on a chart prepared by the Minister;”;

(16) by striking out the Vallée-du-Cor (Gaspésie-Îles-de-la-Madeleine) habitat and its description”.

3. Section 8 is replaced by the following:

“**8.** The prohibitions referred to in section 16 of the Act respecting threatened or vulnerable species (chapter E-12.01) do not apply to servicing activities of Hydro-Québec's power line network or of road infrastructures by the Minister responsible for the administration of the Act respecting roads (chapter V-9).

In addition, the prohibitions referred to in section 17 of the Act respecting threatened or vulnerable species do not apply to servicing activities of Hydro-Québec's power

line network carried out in a plant habitat to the extent that they are carried on without jeopardizing the viability of the threatened or vulnerable species and the components of the surroundings that ensure their survival.

For the purposes of this section, servicing activities include inspections, reconstruction, repairs and control of vegetation, and are carried out on the infrastructure concerned or in its right of way, without further impact on the natural environment.

Access to infrastructures concerned by servicing carried on in accordance with this section must be by existing roads, where they exist.”

4. Section 9 is amended by striking out “overhead”.

5. The following is inserted after section 9:

**“DIVISION V.1
MONETARY ADMINISTRATIVE PENALTIES**

9.1. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on anyone who violates a condition provided for in any of subparagraphs 1, 5 or 6 of the second paragraph of section 4 for the transplantation of wild leek plants.

9.2. A monetary administrative penalty of \$750 in the case of a natural person and \$3,500 in any other case may be imposed on anyone who

(1) violates a condition provided for in any of subparagraphs 2, 3 or 4 of the second paragraph of section 4 for the transplantation of wild leek plants;

(2) does not use an existing road, where one exists, to access infrastructures concerned by servicing carried on in accordance with the first or second paragraph of section 8, in contravention of the fourth paragraph of this section.

**DIVISION V.2
PENAL SANCTIONS**

9.3. Anyone who contravenes any of subparagraphs 1, 5 or 6 of the second paragraph of section 4 commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person or \$7,500 to \$1,500,000 in any other case.

9.4. Anyone who contravenes any of subparagraphs 2, 3 or 4 of the second paragraph of section 4 or the fourth paragraph of section 8 commits an offence and is liable to a fine of \$4,000 to \$250,000 in the case of a natural person or \$12,000 to \$1,500,000 in any other case.”

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

Regulation to amend the Pesticides Management Code

Pesticides Act
(chapter P-9.3, ss. 101, 105, 105.1, 106, 107 and 109,
1st par., subpars. 10, 11, 11.2, 12 and 13)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, ss. 30 and 45)

1. The Pesticides Management Code (chapter P-9.3, r. 1) is amended by replacing “INTERPRETATION AND SCOPE” in the heading of Chapter I by “GENERAL”.

2. Section 1.1 is amended by inserting the following after subparagraph 5 of the first paragraph:

“(6) bioclimatic domains are those referred to in Schedule III of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).”

3. The following is inserted after section 1.1:

“**1.2.** For the purposes of this Code, any provision that applies to a pesticide also applies to each active ingredient it contains.”

4. Section 4 is amended by replacing “and 29 to 33” in the first paragraph by “, 29 to 33, 35, 38, 48.1 to 48.4, 50, 59, 60, 68, 76, 80, 86, 86.3 and 86.3”.

5. The following is inserted after 4:

“**4.1.** Any person who sends a notice to the Minister or any other information or document required under this Code must use the appropriate forms available on the website of the Minister’s department and file them electronically.”

6. Section 6 is amended by striking out “pesticide”.

7. Section 18 is amended by replacing “Holders of a Class A or Subclass B1, C4, C5 or D4 permit who store” by “A person who, as part of an activity described in permit Class A or permit Subclass B1, C4, C5 or D4, who stores”.

8. Section 19 is amended

(1) by replacing “Holders of a Class A or Subclass B1 permit who load or unload Class 1, Class 2 or Class 3” by “A person who, as part of an activity described in permit Class A or permit Subclass B1, loads or unloads”;

(2) by inserting “dans un lieu d’entreposage,” after “décharge,” in the French text.

9. Section 25 is replaced by the following:

“**25.** It is forbidden to sell or offer for sale Class 4 or 5 pesticides that contain

(1) one of the active ingredients listed in Schedule I and are intended to be applied on lawns, inert materials or decorative or ornamental plants;

(2) one of the active ingredients listed in Schedule III and are intended to be applied for the maintenance of indoor plants;

(3) one of the active ingredients listed in Schedule IV and are intended to be applied for pest control inside a building used as a dwelling;

(4) permethrin or pyrethrin and are intended to be applied on lawns, inert materials or decorative or ornamental plants or for the maintenance of indoor plants.”.

10. Section 27 is replaced by the following:

“**27.** It is forbidden, as part of an activity described in permit Class A or permit Class B, to place a pesticide in such manner that the customers can help themselves, except in the case of Class 3A or 3B pesticides or Class 4 pesticides used as wood preservatives or antifouling paint.”.

11. Section 29 is amended

(1) in the second paragraph

(a) by replacing “fir white” in subparagraph 3.1 by “fir-paper”;

(b) by adding the following at the end:

“(5) by injection into a tree or shrub to control or destroy harmful insects or protect it from parasitic diseases.”;

(2) by inserting “and 5” after “3.1” in the third paragraph.

12. The following is inserted after section 29:

“**29.1.** Despite section 29, a pesticide may be applied on the following conditions:

(1) it is applied by paint-on treatment, injection, basal application, cut stump application or foliar application using a backpack sprayer;

(2) it is applied under a program, directive or intervention plan established by the government, the federal government, a department or body of such a body or a municipality to control

(a) poison-ivy (*Toxicodendron radicans*);

(b) hogweed (*Heracleum sphondylium*);

(c) giant hogweed (*Heracleum mantegazzianum*);

(d) alder buckthorn (*Frangula alnus*);

(e) European buckthorn (*Rhamnus cathartica*);

(f) Japanese knotweed (*Reynoutria japonica*);

(g) giant knotweed (*Reynoutria sachalinensis*);

(h) the introduced subspecies of common reed (*Phragmites australis* (Cav.) Trin. ex Steud. subsp. *australis*);

(3) it is applied in the unwatered portion of the target site.

The species mentioned in subparagraph 2 of the first paragraph include all varieties, cultivars and hybrids of those species.

The person responsible for the work to apply a pesticide in accordance with this section must, at least 21 days before its application, notify the Minister and the local municipality concerned or, in the case of an unorganized territory, the regional county municipality concerned.”.

13. The following is inserted after section 30:

“**30.1.** Despite section 30, a pesticide may be applied on the following conditions:

(1) it is applied by paint-on treatment, injection, basal application, cut stump application or foliar application using a backpack sprayer or horizontal boom sprayer equipped with a wind guard;

(2) it is applied under a program, directive or intervention plan established by the government, the federal government, a department or body of such a body or a municipality to control or destroy a Class 1 plant under the Weed Seeds Order (SOR/2016-93);

(3) it is applied in the unwatered portion of the target site.

The person responsible for the application of a pesticide pursuant to this section must, at least 21 days before the application, notify the Minister and the local municipality concerned or, in the case of an unorganized territory, the regional county municipality concerned.

30.2. A notice sent pursuant to section 29.1 or 30.1 must contain the following information:

(1) the name and contact information of the person responsible for the work;

(2) the name and permit number of the permit holder proposing to apply the pesticide;

(3) the total area of the territory where each pesticide is to be applied;

(4) a description of the nature of the project and the justification for the use of the pesticide;

(5) a description of the pesticide application work;

(6) the name and registration number of each pesticide to be applied;

(7) the quantity, dosage and number of each pesticide application;

(8) the proposed dates for the work;

(9) the steps taken to inform the public, if the work is to be carried out in a place that is accessible to the public;

(10) the steps proposed to eliminate residual plant matter after treatment, if any;

(11) the revegetation program following the application of a pesticide in accordance with section 29.1.

The following documents must be sent with the notice:

(1) a map at a scale of at least 1:10 000 showing the pesticide application zone, the littoral zone boundary and the wetland boundary;

(2) a copy of the label of the pesticide or pesticides used.

30.3. The person responsible for work carried out in accordance with section 29.1 or 30.1 must, at the latest 2 months after the end of the application work, send a report on the pesticide application work carried out containing the following information:

(1) the name and permit number of the permit holder who carried out the work;

(2) a description of the various phytosanitary interventions conducted, including alternative pest control methods;

(3) the name and registration number of each pesticide applied;

(4) the quantity, dosage and number of applications;

(5) the dates on which the work was carried out;

(6) a description of the equipment used;

(7) a description of the changes made to the revegetation program since the notice sent pursuant to 29.1;

(8) a description of the results obtained through the application of the pesticide.

A map at a scale of at least 1:10 000 showing the pesticide application zones must be sent with the report.

The person responsible for the work must keep the report for a period of 5 years from the date of completion of the work and send a copy to every person authorized by the Minister who so requests.

30.4. Despite sections 29 and 30, a pesticide may be applied if its use is authorized as part of a research and experimental project in accordance with section 29 of the Environment Quality Act (chapter Q-2)."

14. Section 32.1 is amended

(1) in the first paragraph

(a) by replacing "a pesticide containing any of the following active ingredients" in the portion before subparagraph 1 by "any of the following pesticides";

(b) by replacing "cythruflin" in the portion of subparagraph 1 before subparagraph i by "a pesticide containing beta-cyfluthrin, cyfluthrin, imidacloprid or lambda-cyhalothrin";

(c) by inserting the following after subparagraph ii of subparagraph 1:

“iii. is carried out on a surface that is not accessible to children;”;

(d) by inserting “a pesticide containing” at the beginning of subparagraph 2;

(e) by replacing “bromadiolone in combination with denatonium benzoate or bromethalin in combination with denatonium benzoate” in the portion of subparagraph 3 before subparagraph i by “a pesticide”;

(f) by replacing “human beings and that are locked” in subparagraph i of subparagraph 3 by “a person”;

(g) by inserting the following after subparagraph 3:

“(4) a pesticide containing permethrin to control or destroy carpenter ants or termites if

i. the pesticide is applied on a surface that is not accessible to children;

ii. the pesticide is applied by the holder of a Subclass C5 permit.”;

(2) in the third paragraph

(a) by inserting “and no more than 5 days” after “hours”;

(b) by inserting “, the place where the pesticide is to be applied” after “the application of the pesticide”;

(3) by adding the following paragraphs at the end:

“The holder of a permit referred to in this section must also notify the administrator of the establishment of the time at which a pesticide referred to in the first or second paragraph is to be applied at least one hour before its application if the notice referred to in the third paragraph was sent between 48 hours and 5 days before the application of the pesticide.

Despite the third paragraph, no notice is needed before the application of a pesticide referred to in subparagraph 2 of the first paragraph.”.

15. Section 33 is amended

(1) in the first paragraph

(a) by striking out “of a biopesticide or”;

(b) by replacing “or 2” by “, 2 or 4”;

(2) by replacing the third paragraph by the following paragraphs:

“When the application of a pesticide referred to in the first paragraph is carried out inside

(1) an establishment referred to in paragraph 1 of section 32, it must be followed by a period of at least 24 hours before services or activities resume in the treated premises;

(2) an establishment referred to in paragraph 2 of section 32, it must be followed by a period of at least 12 hours before services or activities resume in the treated premises.

Despite subparagraph 2 of the third paragraph, if the pesticide applied in accordance with the first paragraph contains beta-cyfluthrin, cyfluthrin, imidacloprid, lambda-cyhalothrin or permethrin, a period of at least 24 hours must elapse before services or activities resume in the treated premises and must include a sufficient airing out period.”.

16. Section 48 is replaced by the following:

“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 concentrations given on the label of the fumigant.

IV – Indoor plant maintenance

48.1. A person who applies pesticides as described in a Subclass C10 or D10 permit may not apply a pesticide containing one of the active ingredients mentioned in Schedule III that is intended to be applied for indoor plant maintenance.

V - Pest control

48.2. A person who applies pesticides as described in a Subclass C5 or D5 permit may not apply a pesticide containing one of the active ingredients mentioned in Schedule IV inside a building used as a dwelling.

48.3. A person who applies pesticides as described in a Subclass C5 or D5 permit may apply a pesticide to control or destroy rodents inside a building used as a dwelling only if the pesticide is used in the form of bait in a trap that prevents any contact with a person.

48.4. A person who applies pesticides as described in a Subclass C5 or D5 permit inside a building used as a dwelling must notify all the occupants of the building.

The notice must contain the following information in particular:

(1) at the top of the notice, the words “TRAITEMENT AVEC PESTICIDES” and a warning “NE PAS ENTRER EN CONTACT AVANT LE :” with the date and time of the end of the prohibition period in legible characters;

(2) beneath the words and warning, the following words:

(a) «Endroit traité »;

(b) «Numéro d’homologation »;

(c) «Nom commercial du pesticide »;

(d) «Titulaire du permis »;

(e) «Numéro de permis »;

(f) «Numéro de téléphone »;

(f.1) «Centre antipoison du Québec »;

(g) «Si un proche a été incommodé par des pesticides, amenez-le dans un endroit bien aéré et demandez-lui de se coucher sur le côté. Communiquez avec le Centre antipoison du Québec au 1 800 463-5060, et suivez à la lettre les directives qui vous seront données. Si l’état de la personne vous paraît grave, conduisez-la à l’hôpital en prenant soin d’apporter le présent avis.»;

and, for each item above, information about the place treated with the pesticide, the registration number of the pesticide, the trade name of the pesticide used, the name, permit number and telephone number of the permit holder, and the telephone number of the Centre antipoison du Québec.

A person who applies pesticides described in a Subclass C5 or D5 permit inside an establishment referred to in section 32 must notify the persons concerned. The notice must include the details and information set out in the second paragraph.

This section does not apply

(1) when the pesticide is applied by spraying or fumigation in accordance with section 43 or 46;

(2) when the pesticide is used in the form of bait in a trap that prevents any contact with a person.”.

17. Section 50 is amended

(1) by adding the following at the end of the first paragraph:

“(4) less than 3 m from the boundary of the land of an establishment referred to in section 32;

(5) less than 30 m from the boundary of the land of an establishment referred to in section 32 if applied using an air-blast sprayer other than a sprayer equipped with a horizontal ramp or tunnel sprayer;”;

(2) in the second paragraph

(a) by replacing “extermination” in subparagraph 1 by “pest management”;

(b) by replacing “ornamental horticulture” in subparagraph 2 by “green area management”;

(3) by adding the following paragraph at the end:

“The prohibition set out in subparagraph 4 of the first paragraph applies only during the period when activities are dispensed inside or outside an establishment referred to in that subparagraph.”.

18. Section 53 is amended by inserting “and registration number” after “name” in the second paragraph.

19. Section 59 is amended by replacing “fir white” in subparagraph 7 of the first paragraph by “fir-paper”.

20. Section 64 is amended

(1) in the first paragraph

(a) by replacing «regional office of the Ministère du Développement durable, de l’Environnement et des Parcs» by «Minister»;

(b) by replacing “the municipality” by “the local municipality”;

(2) by replacing “at the regional office” in the portion of the second paragraph before subparagraph 1 by “by the Minister”.

21. The heading before section 67 is amended by replacing “Ornamental horticulture” by “Green area management”.

22. Section 67 is amended by inserting “or D4” after “C4”.

23. The following is inserted after section 67:

“**67.1.** A person who applies pesticides as described in a Subclass C11 or D11 permit may not apply a pesticide less than 3 m from the boundary of the land concerned or from a building used as a dwelling.”

24. The heading before section 68 is amended by replacing “Ornamental horticulture and extermination” by “Green area management and pest management”.

25. Section 68 is amended

(1) by replacing “on a lawn” in the first paragraph by “, on inert materials or on decorative or ornamental plants”;

(2) by adding the following paragraph at the end:

“Despite the first paragraph, a pesticide may be applied

(1) as an injection into decorative or ornamental plants if

(a) the necessary measures are taken to prevent any person from coming into contact with the injector;

(b) the injection holes are sealed after the application;

(2) in the form of a bait trap preventing contact with any person.”

26. Section 69 is amended by replacing “D4 or D5” by “C11, D4, D5 or D11”.

27. Section 71 is amended

(1) in the first paragraph

(a) by replacing “or a paved surface or on trees or ornamental or decorative bushes” by “, on inert materials or on decorative or ornamental plants”;

(b) by adding “and at the foot of each decorative or ornamental plant treated individually” at the end;

(2) in the third paragraph

(a) by striking out “a pesticide application on a golf course or”;

(b) by replacing “ornamental or decorative” by “decorative or ornamental”.

28. Section 72 is amended

(1) by replacing the pictogram in subparagraph *b* of subparagraph 1 of the first paragraph by the following:



(2) by inserting “or inert materials” after “plants” in subparagraph *c* of subparagraph 1 of the first paragraph;

(3) by striking out the second paragraph.

29. Section 74.5 is amended in the first paragraph

(1) by replacing «regional office of the Ministère du Développement durable, de l'Environnement et des Parcs» by «Minister»;

(2) by replacing “the municipality” by “the local municipality”.

30. Section 74.6 is amended by striking out “issued under the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2)” in paragraph 5.

31. Section 74.7 is amended by striking out “issued under the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2)” in subparagraph 2 of the first paragraph.

32. Section 76 is amended by adding the following at the end of the first paragraph:

“(4) less than 30 m from the boundary of the land of an establishment referred to in section 32 if the height of the application apparatus from the ground is less than 5 m, and less than 60 m from the boundary of the land if the height of the application apparatus from the ground is 5 m or more.”.

33. Section 83 is amended in the first paragraph

(1) by replacing «regional office of the Ministère du Développement durable, de l'Environnement et des Parcs» by «Minister»;

(2) by replacing “the municipality” by “the local municipality”.

34. Section 86 is amended by replacing “or protected immovable” in the first paragraph by “, protected immovable or bicycle path physically separated from the automobile traffic and that has its own right of way”.

35. Section 86.2 is amended in the first paragraph

(1) by replacing “3A” in the portion before subparagraph 1 by “3B”;

(2) by inserting “or 3B” after “3A” in subparagraph 7;

(3) by inserting “or 3B” after “3A” in subparagraph 9.

36. The following chapters are inserted after section 86.2:

“CHAPTER IV. 1 POSSESSION

86.3. It is forbidden for a permit holder or certificate holder to possess a pesticide without holding a permit or certificate that permits its use or sale.

CHAPTER IV. 2 MONETARY ADMINISTRATIVE PENALTIES

86.4. 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

(1) fails to send a declaration or provide information or a document required under this Code or to comply with the terms and conditions for sending such a declaration or providing such information or document, in cases in which no monetary administrative penalty is otherwise provided for such a failure;

(2) fails to send a report or an agronomic prescription or agronomic justification in accordance with the third paragraph of section 30.3, the fourth paragraph of section 74.3, the fifth paragraph of section 74.4 or the second paragraph of section 88.1, or to keep it for the period specified in those sections;

(3) fails to keep information or a document in a register referred to in this Code for the time prescribed by section 65, 84 or 86.2;

(4) fails to have an agronomic plan or prescription signed by an agronomist who is a member of the Ordre des agronomes du Québec in accordance with the third paragraph of section 73 or the second paragraph of section 74.4;

(5) fails to have an agronomic justification or agronomic prescription numbered in accordance with the second or fourth paragraph of section 74.4 or the third paragraph of section 88.1.

86.5. 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

(1) fails to include a warning, pictogram or information on a poster as provided for in section 21, section 44 or 47, the second or third paragraph of section 57, section 72, the second, third or fourth paragraph of section 74 or section 74.6, or fails to meet any other condition for a poster in those sections;

(2) fails to update a register provided for in this Code, to enter a document or information in such a register, or to sign or have signed an entry in such as register;

(3) fails to send a notice in accordance with section 29.1, 30.1, 32.1, 64, 74.5 or 83;

(4) fails to send, contained in a notice, the information referred to in section 30.2 or 74.7 or to send the necessary documents with the notice as required by those sections;

(5) fails to produce a report in accordance with the first and second paragraphs of section 30.3 or to send a report with the contents required by section 85, within the time prescribed in those sections;

(6) fails to include information on a feeder in accordance with the second paragraph of section 53;

(7) fails to 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 section 58, the first paragraph of section 63, or section 82, or to comply with the standards for such a message set out in the second or third paragraph of section 63.

86.6. 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

(1) fails to maintain in force, for the entire duration of storage, 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, in contravention of section 23 or 24;

(2) applies a pesticide in accordance with an agronomic justification or agronomic prescription that does not comply with the conditions in the second or third paragraph of section 74.3.

86.7. 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

(1) fails to store a pesticide in accordance with the conditions of section 5 or 18;

(2) fails to keep a tank or mobile tank closed outside of leading and unloading periods in accordance with section 9;

(3) installs a tank elsewhere than in a containment works in contravention the first paragraph of section 10 or fails to protect it from vehicle impact in accordance with that section;

(4) installs a tank in a containment works if the containment works cannot contain at least 110% of the capacity of the largest tank or largest mobile tank installed or placed at the containment works, in contravention of the second paragraph of section 10 or the second paragraph of section 11;

(5) places a mobile tank elsewhere than in a containment works in contravention of the first paragraph of section 11;

(6) fails to comply with a provision of this Code for the preparation, application, loading or unloading of a pesticide as provided for in section 12 or 19, the first or second paragraph of section 38, section 56, 62, 67 or 69, the second paragraph of section 70, or section 77 or 78;

(7) fails to remove a pesticide or rainwater that have accumulated in a containment works in accordance with section 13;

(8) stores pesticides in a tank, mobile tank or tank car and fails to control the use of the loading and unloading pipes by means of a safety device that prevents their use outside loading and unloading periods in accordance with section 14;

(9) does not have, on the premises where pesticides are stored, adequate equipment and material capable of stopping any leak or release of pesticides and, if required, of cleaning the premises in accordance with the first paragraph of section 20;

(10) fails to post or install a sign or fails to post a sign at premises in accordance with the first paragraph of section 21, section 43, the second or third paragraph of section 46, the first or fourth paragraph of section 57, the first or second paragraph of section 71, section 74 or 74.6 or section 81, or to maintain a sign in place for the period mentioned in those provisions;

(11) places a pesticide in such manner that the customers can help themselves, in contravention of section 27;

(12) uses equipment to apply, load or unload pesticides that does not meet the conditions of section 39;

(13) fails to comply with the conditions for carrying out a fumigation in section 46;

(14) removes a sign in contravention of section 48;

(15) fails, when applying a pesticide, to notify the occupants of a building or the persons concerned by the application of a pesticide in an establishment referred to in section 32 in accordance with the first paragraph of section 48.4 or to provide in the notice the information prescribed by the second paragraph of that section;

(16) fails to place birdseed treated with an avicide in a feeder equipped with a device preventing the wind from carrying the seed away, as prescribed by the first paragraph of section 53.

86.8. 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 Urgence-Environnement in accordance with section 6;

(2) starts work to apply a pesticide before the publication, broadcasting or sending of a notice or message in contravention of the second paragraph of section 58, the fourth paragraph of section 63, the fourth paragraph of section 64, the second paragraph of section 82 or the second paragraph of section 83, or before the expiry of the period provided for in the second paragraph of section 74.5;

(3) fails to send the Minister a pesticide reduction plan in accordance with the first and second paragraphs of section 73.

86.9. 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) buries a pesticide tank in contravention of section 8;
- (2) stores a pesticide in contravention of section 15, 16 or 17;
- (3) sells or offers for sale a pesticide in contravention of section 25 or 26;
- (4) uses a pesticide containing one of the active ingredients listed in section 28;
- (5) applies a pesticide in contravention of section 29.1, 30.1, 31, 32, 32.1, 42, 51, 55, 61, 67.1, 68 or 74.1;
- (6) fails to comply with a condition of this Code for the application of a pesticide prescribed by section 33, 48.1, 48.2 or 48.3, the first paragraph of section 74.3 or the first or third paragraph of section 74.4;
- (7) prepares or applies a pesticide in contravention of section 35, 36 or 37;
- (8) fails to send an agronomic prescription with an agronomic justification in accordance with section 74.2;
- (9) fails to obtain an agronomic prescription or agronomic justification in accordance with the second or fourth paragraph of section 74.4 within the time provided for in that section;
- (10) possesses a pesticide in contravention of section 86.3;
- (11) fails to keep an agronomic justification for the period prescribed by the second paragraph of section 88.1 or to include all the information required by that section;
- (12) fails to obtain the opinion of an agrologist in accordance with the third paragraph of section 88.1 within the time prescribed by that section.

86.10. 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) fails to take measures to stop the leak or release of pesticides or to clean the premises in accordance with the second paragraph of section 20 or the third paragraph of section 38;
- (2) applies a pesticide in contravention of section 29, 30, 40, 45, 50, 52, 59, 60, 76, 80 or 86;
- (3) fails, before any pesticide application, to take measures to ensure that no livestock or pets remain in the premises treated in accordance with the first paragraph of section 46;

(4) fails, before any pesticide application, to take measures to avoid contaminating a surface or object that must not be treated or to ensure that no pet is exposed to the pesticide, in contravention of the first paragraph of section 70.”

37. Section 87 is replaced by the following:

“**87.** Every person who

(1) fails to send a declaration or provide information or a document required under this Code or to comply with the terms and conditions for sending such a declaration or providing such information or document, in cases in which no monetary administrative penalty is otherwise provided for such a failure,

(2) fails to send a report or an agronomic prescription or agronomic justification in accordance with the third paragraph of section 30.3, the fourth paragraph of section 74.3, the fifth paragraph of section 74.4 or the second paragraph of section 88.1, or to keep it for the period specified in those sections,

(3) fails to keep information or a document in a register referred to in this Code for the time prescribed by section 65, 84 or 86.2,

(4) fails to have an agronomic plan or prescription signed by an agronomist who is a member of the Ordre des agronomes du Québec in accordance with the third paragraph of section 73 or the second paragraph of section 74.4,

(5) fails to have an agronomic justification or agronomic prescription numbered in accordance with the second or fourth paragraph of section 74.4 or the third paragraph of section 88.1,

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.

87.1. Every person who

(1) fails to include a warning, pictogram or information on a poster as provided for in section 21, section 44 or 47, the second or third paragraph of section 57, section 72, the second, third or fourth paragraph of section 74 or section 74.6, or fails to meet any other condition for a poster in those sections,

(2) fails to update a register provided for in this Code, to enter a document or information in such a register, or to sign or have signed an entry in such as register,

(3) fails to send a notice in accordance with section 29.1, 30.1, 32.1, 64, 74.5 or 83,

(4) fails to send, contained in a notice, the information referred to in section 30.2 or 74.7 or to send the necessary documents with the notice as required by those sections,

(5) fails to produce a report in accordance with the first and second paragraphs of section 30.3 or to send a report with the contents required by section 85, within the time prescribed in those sections;

(6) fails to include information on a feeder in accordance with the second paragraph of section 53,

(7) fails to 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 section 58, the first paragraph of section 63, or section 82, or to comply with the standards for such a message set out in the second or third paragraph of section 63,

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.

87.2. Every person who

(1) fails to maintain in force, for the entire duration of storage, 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, in contravention of section 23 or 24,

(2) applies a pesticide in accordance with an agronomic justification or agronomic prescription that does not comply with the conditions in the second or third paragraph of section 74.3,

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.

87.3. Every person who

(1) fails to store a pesticide in accordance with the conditions of section 5 or 18,

(2) fails to keep a tank or mobile tank closed outside of loading and unloading periods in accordance with section 9,

(3) installs a tank elsewhere than in a containment works in contravention the first paragraph of section 10 or fails to protect it from vehicle impact in accordance with that section,

(4) installs a tank in a containment works if the containment works cannot contain at least 110% of the capacity of the largest tank or largest mobile tank installed or placed at the containment works, in contravention of the second paragraph of section 10 or the second paragraph of section 11,

(5) places a mobile tank elsewhere than in a containment works in contravention of the first paragraph of section 11,

(6) fails to comply with a provision of this Code for the preparation, application, loading or unloading of a pesticide as provided for in section 12 or 19, the first or second paragraph of section 38, section 56, 62, 67 or 69, the second paragraph of section 70, or section 77 or 78,

(7) fails to remove a pesticide or rainwater that have accumulated in a containment works in accordance with section 13,

(8) stores pesticides in a tank, mobile tank or tank car and fails to control the use of the loading and unloading pipes by means of a safety device that prevents their use outside loading and unloading periods in accordance with section 14,

(9) does not have, on the premises where pesticides are stored, adequate equipment and material capable of stopping any leak or release of pesticides and, if required, of cleaning the premises in accordance with the first paragraph of section 20,

(10) fails to post or install a sign or fails to post a sign at premises in accordance with the first paragraph of section 21, section 43, the second or third paragraph of section 46, the first or fourth paragraph of section 57, the first or second paragraph of section 71, section 74 or 74.6 or section 81, or to maintain a sign in place for the period mentioned in those provisions;

(11) places a pesticide in such manner that the customers can help themselves, in contravention of section 27;

(12) uses equipment to apply, load or unload pesticides that does not meet the conditions of section 39;

(13) fails to comply with the conditions for carrying out a fumigation in the second paragraph of section 46,

(14) removes a sign in contravention of section 48,

(15) fails, when applying a pesticide, to notify the occupants of a building used as a dwelling or the persons concerned by the application of a pesticide in an establishment referred to in section 32 in accordance with the first paragraph of section 48.4 or to provide in the notice the information prescribed by the second paragraph of that section,

(16) fails to place birdseed treated with an avicide in a feeder equipped with a device preventing the wind from carrying the seed away, as prescribed by the first paragraph of section 53,

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.

87.4. Every person who

(1) fails to notify Urgence-Environnement in accordance with section 6,

(2) starts work to apply a pesticide before the publication, broadcasting or sending of a notice or message in contravention of the second paragraph of section 58, the fourth paragraph of section 63, the fourth paragraph of section 64, the second paragraph of section 82 or the second paragraph of section 83, or before the expiry of the period provided for in the second paragraph of section 74.5,

(3) fails to send the Minister a pesticide reduction plan in accordance with the first and second paragraphs of section 73,

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, and, in any other case, to a fine of \$15,000 to \$3,000,000.

87.5. Every person who

(1) buries a pesticide tank in contravention of section 8,

(2) stores a pesticide in contravention of section 15, 16 or 17,

(3) sells or offers for sale a pesticide in contravention of section 25 or 26,

(4) uses a pesticide containing one of the active ingredients listed in section 28,

(5) applies a pesticide in contravention of section 29.1, 30.1, 31, 32, 32.1, 42, 51, 55, 61, 67.1, 68 or 74.1,

(6) fails to comply with a condition of this Code for the application of a pesticide prescribed by section 33, 48.1, 48.2 or 48.3, the first paragraph of section 74.3 or the first or third paragraph of section 74.4,

(7) prepares or applies a pesticide in contravention of section 35, 36 or 37,

(8) fails to send an agronomic prescription with an agronomic justification in accordance with section 74.2,

(9) fails to obtain an agronomic prescription or agronomic justification in accordance with the second or fourth paragraph of section 74.4 within the time provided for in that section,

(10) possesses a pesticide in contravention of section 86.3,

(11) fails to keep an agronomic justification for the period prescribed by the second paragraph of section 88.1 or to include all the information required by that section,

(12) fails to obtain the opinion of an agrologist in accordance with the third paragraph of section 88.1 within the time prescribed by that section,

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, and, in any other case, to a fine of \$24,000 to \$3,000,000.

87.6. Every person who

(1) fails to take measures to stop the leak or release of pesticides or to clean the premises in accordance with the second paragraph of section 20 or the third paragraph of section 38,

(2) applies a pesticide in contravention of section 29, 30, 40, 45, 50, 52, 59, 60, 76, 80 or 86,

(3) fails, before any pesticide application, to take measures to ensure that no livestock or pets remain in the premises treated in accordance with the first paragraph of section 46,

(4) fails, before any pesticide application, to take measures to avoid contaminating a surface or object that must not be treated or to ensure that no pet is exposed to the pesticide, in contravention of the first paragraph of section 70,

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, and, in any other case, to a fine of \$30,000 to \$6,000,000.”

38. Section 88.1 is amended by replacing “3A” in the portion before subparagraph 1 of the first paragraph by “3B”.

39. Schedule I is replaced by the following:

SCHEDULE I

(ss. 25, 31 and 68)

Prohibited active ingredients

Insecticides

Acephate
Acetamipride
Afidopyropen
Carbaryl
Clothianidin
Dicofol
Dimethoate
Fenbutatin oxide
Flupyradifurone
Imidacloprid
Lambda-cyhalothrin
Malathion
N-octyl bicycloheptene dicarboximide
Piperonyl butoxide
Spiromesifen
Tetraniliprole
Thiamethoxam

Fungicides

Azoxystrobin
Benomyl
Benzovindiflupyr
Boscalid
Captan

Carbendazim
Chlorothalonil
Difenoconazole
Etridiazole
Fludioxonil
Fluopicolide
Fluopyram
Folpet
Iprodione
Mancozeb
Mandestrobin
Metconazole
Myclobutanil
Penthiopyrad
Propiconazole
Pydiflumetofen
Pyraclostrobin
Quintozene
Thiabendazole
Thiophanate-methyl
Triforine

Herbicides

2,4-D (all chemical forms)
Bensulide
Bentazon
Chlorthal dimethyl
Dichlobenil
Dithiopyr
Halosulfuron
MCPA (all chemical forms)
Mecoprop (all chemical forms)
Mecoprop-p (all chemical forms)
Napropamide
Propyzamide
Simazine
S-metolachlor
Trifluralin

Molluscicide

Metaldehyde

Plant growth regulator

Daminozide

40. Schedule II is replaced by the following:

SCHEDULE II

(ss. 32, 32.1 and 72)

Authorized active ingredients

Insecticides

Boric Acid

Borax

Disodium octaborate tetrahydrate

41. The following schedules are added at the end:

SCHEDULE III

(ss. 25 and 48.1)

Prohibited active ingredients for indoor plant maintenance

Insecticides

Piperonyl butoxide

Tetramethrin

SCHEDULE IV

(ss. 25 and 48.2)

Prohibited active ingredients for pest management in buildings used as a dwelling

Insecticides

Dichlorvos

Propoxur

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

(1) the following provisions, which come into force on *(insert the date that is one year after the date of coming into force of this Regulation)*:

(a) section 4, enacting “48.1, 48.2,” in section 4 of the Pesticides Management Code;

(b) section 9, enacting paragraphs 2 and 3 of section 25 of the Code;

(c) section 9, enacting paragraph 4 of section 25 of the Code to the extent that it concerns the prohibition on selling or offering for sale a Class 4 or 5 pesticide that contains permethrin or pyrethrin and are intended to be applied for the maintenance of indoor plants;

(d) section 16, enacting sections 48.1 and 48.2 of the Code;

(e) section 36, enacting Chapter IV.1 and “48.1, 48.2,” in paragraph 6 and paragraph 10 of section 86.9 of the Code;

(f) section 37, enacting “48.1, 48.2,” in paragraph 6 and paragraph 10 of section 87.5 of the Code;

(g) section 41;

(2) sections 10, 35 and 39, which come into force on 1 January 2025;

(3) the following provisions, which come into force on *(insert the date that is two years after the date of coming into force of this Regulation)*:

(a) section 9, enacting paragraph 1 of section 25 of the Code;

(b) section 9, enacting paragraph 4 of section 25 of the Code to the extent that it concerns the prohibition on selling or offering for sale a Class 4 or 5 pesticide that contains permethrin or pyrethrin and is intended for application on lawns, inert materials or decorative or ornamental plants;

(c) sections 25, 26 and 28.

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

Pesticides Act
(chapter P-9.3, ss. 32, 101 and 109, 1st par., subpars. 1, 3, 8, 10, 11, 12 and 13)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, ss. 30 and 45)

1. The Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2) is amended in the heading of Division I by replacing “SCOPE” by “GENERAL”.

2. The following is inserted after section 1.1:

“**1.2.** Every person who sends an application, a declaration or any other information or document required under this Regulation to the Minister must use the forms available on the website of the Minister’s department and send them electronically to the Minister.”

3. Section 5.1 is replaced by the following:

5.1. Seeds of oats, wheat, canola, forage corn, grain corn, sweet corn, barley or soybean coated with a pesticide are included in Class 3A.

5.2. Seeds of oats, wheat, canola, forage corn, grain corn, sweet corn, barley or soybean coated with a fungicide and that is not specifically Included in another Class are included in Class 3B.”

4. Section 9 is amended

(1) by inserting “spas” after “swimming pools,” in paragraph 1;

(2) by adding the following paragraph at the end:

“A device intended to control, destroy, mitigate, attract or repel any organism that is injurious to or noxious or troublesome for humans, animal life, vegetation, crops or any other object is also not included.”

5. Section 10 is revoked.**6.** Section 11 is amended

(1) by replacing “Remunerated Work Permit” in paragraph 3 by “Work for Others Permit”;

(2) by replacing “Non-Remunerated Work Permit” in paragraph 4 by “Work Permit for Own Activities”.

7. Section 13 is amended by replacing the term “3A” wherever it appears in paragraph 1 by “3B”.

8. Section 14 is amended in the first paragraph

(1) by replacing “Remunerated Work Permit”, “1 to Class 4”, “for remuneration” and “C11” in the portion before subparagraph 1 by “Work for Others Permit”, “1 to Class 5”, “for others” and “C12”, respectively;

(2) in subparagraph 4

(a) by replacing ““Application in Ornamental Horticulture”” in the portion before subparagraph *a* by ““Application for maintaining green areas””;

(b) by inserting “and other than on a golf course” after “aircraft” in the portion before subparagraph *a*;

(3) by replacing ““Application for Extermination”” in subparagraph 5 by ““Application for Pest Management””;

(4) by striking out “Class 1 to Class 4” in subparagraph 8;

(5) by replacing subparagraph 11 by the following:

“(11) Subclass C11 “Application on a golf course” covers the application of a pesticide on a golf course, using an application method other than by aircraft; fumigation of a gas mentioned in Subclass C6 is not covered by this Subclass:

(a) in every location where decorative or ornamental plants are cultivated, except in a building, in order to destroy or control plants and animals harmful to those plants, to control the growth of those plants or to protect them from parasitic diseases;

(b) in pedestrian areas, or parking or sports areas, in order to destroy plants growing therein; or

(c) in ornamental lakes and ponds without a surface outlet flowing towards a drainage basin, in order to control or destroy plants growing therein.

(12) Subclass C12 “Other Applications” covers the application of a Class C pesticide that is not included in Subclasses C1 to C11 and for which the application method, the purpose and the place of application are specified in the permit.”;

(6) by striking out the term “Class 1 to Class 3 and Class 4” wherever it appears.

9. Section 15 is amended

(1) by replacing the portion before paragraph 1 by the following:

“A Class D “Work Permit for Own Activities”, covers activities involving the use of a Class 1 to Class 5 pesticide, carried out for one’s own activities and included in Subclasses D1 to D12 described below.”

(2) in the portion before subparagraph *a* of paragraph 4

(a) by replacing ““Application in Ornamental Horticulture”” by ““Application for maintaining green areas””;

(b) by inserting “and other than on a golf course” after “aircraft”;

(3) by replacing ““Application for Extermination”” in paragraph 5 by ““Application for Pest Management””;

(4) by replacing paragraph 10 by the following:

“(10) Subclass D11 “Application on a golf course” covers the application of a pesticide on a golf course, using an application method other than by aircraft; fumigation using a gas mentioned in Subclass C6 is not covered by this Subclass:

(a) in every location where decorative or ornamental plants are cultivated, except in a building, in order to destroy or control plants and animals harmful to those plants, to control the growth of those plants or to protect them from parasitic diseases;

(b) in pedestrian areas, or parking or sports areas, in order to destroy plants growing therein; or

(c) in ornamental lakes and ponds without a surface outlet flowing towards a drainage basin, in order to control or destroy plants growing therein;

(11) Subclass D12 “Other Applications” covers the application of a Class D pesticide that is not included in Subclasses D1 to D11 and for which the application method, the purpose and the place of application are specified in the permit.”;

(5) by striking out the term “Class 1 to Class 3” wherever it appears.

10. Section 16 is amended by replacing “the second paragraph of section 34 of the Pesticides Act (chapter P-9.3)” in the portion before paragraph 1 by “section 15”.

11. The following is inserted after section 28:

“**28.1.** A permit holder shall, within 30 days after one of the following events, notify the Minister of

(1) any change which makes the information furnished for the issue or renewal of a permit inaccurate or incomplete;

(2) the cessation of the permit holder’s activities, specifying the date on which the activities end;

(3) any amalgamation, sale or transfer to which the permit holder is subject and of any change in its name in the case of a legal person.

The notice shall be made using the form provided for in section 28 and shall include the information referred to in subparagraph 1 of the second paragraph of section 17, the permit number, the date of expiry and the information related to the changes.”

The notice shall be accompanied by the documents referred to in section 18 related to the changes.”.

12. Section 34.1 is amended by replacing the term “3A” wherever it appears in paragraph 1 by “3B”.

13. Section 35 is amended

(1) by replacing “Class 1 to Class 4” and “CD11” in the portion before paragraph 1 by “Class 1 to Class 5” and “CD12”, respectively;

(2) by replacing “Application in Ornamental Horticulture” in paragraph 4 by “Application for Maintaining Green Areas”;

(3) by replacing “Extermination” in paragraph 5 by “Application for Pest Management”;

(4) by striking out “in respect of a Class 1 to Class 4 pesticide,” in paragraph 8;

(5) by replacing paragraph 11 by the following:

“(11) a Subclass CD11 “Certificate for Application on a Golf Course” authorizes the natural person holding it to carry on the activities described in permit Subclass C11 and the activities described in permit Subclass D11 or to supervise those activities at the places where they are performed;

(12) a Subclass CD12 “Certificate for Other Applications” authorizes the natural person holding it to carry on the activities described in permit Subclass C12 and the activities described in permit Subclass D12 or to supervise those activities at the places where they are performed.”;

(6) by striking out the terms “, in respect of a Class 1 to Class 3 and Class 4 pesticide,” and “in respect of a Class 1 to Class 3 pesticide,” wherever they appear.

14. Section 36 is amended by replacing the term “3A” wherever it appears by “3B”.

15. The following is inserted after section 42:

“**42.1.** A certificate holder shall, within 30 days, notify the Minister, on the same form as that referred to in section 42, of any change which makes the information furnished for the issue or renewal of the certificate inaccurate or incomplete.

The notice shall include the information referred to in subparagraph 1 of the second paragraph of section 38, the certificate number, the date of expiry and the information related to the changes.”.

16. Section 43 is amended by replacing “3A” in paragraph 1 by “3B”.

17. Section 44 is amended by adding the following at the end:

“(7) Class 1 to Class 3 pesticides that contain an active ingredient listed in

(a) Schedule I to the Pesticides Management Code (chapter P-9.3, r. 1) and that are intended to be applied on lawns, inert materials or decorative or ornamental plants to a holder of a Subclass C4, C5, D4 or D5 permit, except if the pesticide is intended to be injected in decorative or ornamental plants or is in the form of bait trap preventing any contact with a person;

(b) Schedule III to the Pesticides Management Code and that are intended to be applied for maintaining indoor plants to a holder of a Subclass C10 or D10 permit;

(c) Schedule IV to the Pesticides Management Code and that are intended to be applied for pest management inside residential dwellings to a holder of a Subclass C5 or D5 permit, except if the pesticide is in the form of bait trap preventing any contact with a person.”

18. The following is inserted after section 44:

“**44.1.** The holder of a Subclass B1 retail sale permit must keep any agronomic prescription sent to the holder as part of a sale provided for in section 44 for a period of 5 years following the sale and send, within 10 days, a copy to any person authorized by the Minister who requests it.”

19. Section 47 is amended by inserting “or Class 3B” after “Class 3A” in subparagraphs 4 and 7 of the second paragraph.

20. Section 48 is amended in the second paragraph,

(1) in subparagraph 4,

(a) by inserting “or Class 3B” after “Class 3A”;

(b) by replacing “the name and concentration of its active ingredients” by “the name of its active ingredients and their concentration expressed in weight of active ingredient per seed weight”;

(2) by inserting “or Class 3B” after “Class 3A” in subparagraph 7.

21. Section 49 is amended

(1) by replacing “3A” in the first paragraph by “3B”;

(2) by inserting “or Class 3B” after “Class 3A” in subparagraphs 3 and 4 of the second paragraph.

22. Section 50 is amended by inserting “or Class 3B” after “Class 3A” in subparagraphs 5, 9 and 11 of the second paragraph.

23. Section 54 is amended

(1) by replacing “the sales of pesticide” by “the sales of Class 4 and Class 5 pesticides” in the first paragraph;

(2) in the third paragraph

(a) by striking out “and, in the case of a Class 3A pesticide, the name and concentration of its active ingredients” in subparagraph 1;

(b) by striking out “in the case of a Class 1 to Class 3, a Class 4 and a Class 5 pesticide,” in subparagraph 2;

(c) by striking out “where applicable,” in subparagraph 3;

(d) by striking out “or, in the case of a Class 3A pesticide, the quantity of seeds sold and the plant species concerned” in subparagraph 4.

24. The following is inserted after section 54:

“**54.1.** A holder of a Class A permit who ceases activities must send the declaration provided for in section 54 within 30 days after the cessation.”

25. Section 55 is revoked.

26. Section 55.1 is amended

(1) by replacing “of Class 3A pesticide or of pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam made in the preceding year under paragraphs 3 and 4 of section 44” at the end of the first paragraph by “Class 1 to Class 3B pesticides made in the preceding year”;

(2) In the third paragraph

(a) by replacing “Class 3A pesticide, the name and concentration of its active ingredients” at the end of subparagraph 1 by “Class 3A or Class 3B pesticide, the name of its active ingredients and their concentration expressed in weight of active ingredient per seed weight”;

(b) by inserting “or Class 3B” after “Class 3A” in subparagraph 4;

(c) by replacing “the number” at the beginning of subparagraph 5 by “the name, address and number”;

(d) by adding “in the case of a Class 3A pesticide or a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam,” at the beginning of subparagraph 6.

27. The following is inserted after section 55.1:

“**55.2.** A holder of a Subclass B1 permit who ceases activities must send the declarations provided for in sections 55 and 55.1 within 30 days after the cessation.

DIVISION V.1 **MONETARY ADMINISTRATIVE PENALTIES**

55.3. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on every person who fails

(1) to send a declaration or provide information or a document required by this Regulation, or to comply with the time limits and procedure for the filing or sending, if no other monetary administrative penalty is provided for such a case;

(2) to keep an agronomic prescription in accordance with section 44.1;

(3) to keep information or a document in a register referred to in this Regulation for the period prescribed by section 52;

(4) to keep a map in accordance with the second paragraph of section 53.

55.4. A monetary administrative penalty of \$350 in the case of a natural person and \$1,500 in any other case may be imposed on every person who fails

(1) to update a register provided for in this Regulation, to enter a document or information in such a register or to sign or have signed an entry in the register;

(2) to send to the Minister the declaration provided for in section 54, 55 or 55.1 within the time and in the manner and form prescribed by that section.

55.5. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on every person who fails

(1) to bring to the Minister’s attention an event provided for in subparagraph 1 or 3 of the first paragraph of section 28.1 or section 42.1 within the time prescribed by that section;

(2) to provide a guarantee on the conditions set out in section 29, 30 or 32;

55.6. A monetary administrative penalty of \$750 in the case of a natural person and \$3,500 in any other case may be imposed on every person who fails to delimit on a map the locations treated and the take-off sites of the aircraft used, when applying a pesticide, in accordance with the first paragraph of section 53.

55.7. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on every person who

(1) fails to bring to the Minister’s attention the cessation of activities in accordance with subparagraph 2 of the first paragraph of section 28.1 within the time prescribed by that section;

(2) offers to sell, sells or causes to be sold a pesticide in contravention of section 43, 44 or 45;

(3) fails to send the declaration provided for in section 54.1 or 55.2 within the time and in the manner and form prescribed by that section.”

28. Section 56 is replaced by the following:

“**56.** Every person who fails

(1) to send a declaration or provide information or a document required by this Regulation, or to comply with the time limits and procedure for the filing or sending, if no other monetary administrative penalty is provided for such a case,

(2) to keep an agronomic prescription in accordance with section 44.1,

(3) to keep information or a document in a register referred to in this Regulation for the period prescribed by section 52,

(4) to keep a map in accordance with the second paragraph of section 53,

commits an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and a fine of \$3,000 to \$600,000 in any other case.

57. Every person who fails

(1) to update a register provided for in this Regulation, to enter a document or information in such a register or to sign or have signed an entry in the register,

(2) to send to the Minister the declaration provided for in section 54, 55 or 55.1 within the time and in the manner and form prescribed by that section,

commits an offence and is liable to a fine of \$2,000 to \$100,000 in the case of a natural person and a fine of \$6,000 to \$600,000 in any other case.

58. Every person who fails

(1) to bring to the Minister's attention an event provided for in subparagraph 1 or 3 of the first paragraph of section 28.1 or section 42.1 within the time prescribed by that section,

(2) to provide a guarantee on the conditions set out in section 29, 30 or 32,

commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and a fine of \$7,500 to \$1,500,000 in any other case.

59. Every person who fails to delimit on a map the locations treated and the take-off sites of the aircraft used, when applying a pesticide, in accordance with the first paragraph of section 53, commits an offence and is liable to a fine of \$4,000 to \$250,000 in the case of a natural person and a fine of \$12,000 to \$1,500,000 in any other case.

60. Every person who

(1) fails to bring to the Minister's attention the cessation of activities in accordance with subparagraph 2 of the first paragraph of section 28.1 within the time prescribed by that section,

(2) offers to sell, sells or causes to be sold a pesticide in contravention of section 43, 44 or 45,

(3) fails to send the declaration provided for in section 54.1 or 55.2 within the time and in the manner and form prescribed by that section,

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, and, in any other case, to a fine of \$15,000 to \$3,000,000. ”.

29. Class A, Subclass B1 and Subclass C8 permits and Class A, Subclass B1, Subclass CD8, Subclass E1 and Subclass E2 certificates become exigible for a Class 3B pesticide as of 1 January 2025.

30. Class A and Subclass C8 permits and Class A, Subclass CD8, Subclass E1 and Subclass E2 certificates issued before 1 January 2025 include a Class 3 B pesticide as of that date, with no further formality.

31. A Subclass B1 “Retail Sale of Class 1 to Class 3 Pesticides” permit issued before 1 January 2025 corresponds as of that date to the Subclass B1 “Retail Sale of Class 1 to Class 3B Pesticides” permit and includes Class 3B pesticides, with no further formality.

32. A Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3A Pesticides” issued before 1 January 2025 corresponds as of that date to the Subclass B1 “Retail Sale of Class 1 to Class 3B Pesticides” certificate and includes a Class 3B pesticide, with no further formality.

33. The activities described in paragraph 11 of section 14 of the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2), as amended by section 8 of this Regulation, paragraph 10 of section 15 of the Regulation respecting permits and certificates for the sale and use of pesticides, as amended by section 9 of this Regulation, and paragraph 11 of section 35 of the Regulation respecting permits and certificates for the sale and use of pesticides, as amended by section 13 of this Regulation, are respectively covered by the Subclass C4 permit, the Subclass D4 permit and the Subclass CD4 certificate until (*insert the date that is two years after the date of coming into force of this Regulation*).

34. As of (*insert the date that is two years after the date of coming into force of this Regulation*), a Subclass C11 or D11 “Other Applications” permit issued on that date becomes a Subclass C12 or D12 “Other Applications” permit and a Subclass CD11 “Certificate for Other Applications” issued before that date becomes a Subclass CD12 “Certificate for Other Applications”, with no further formality.

35. This Regulation comes into force on the fifteenth days following the date of its publication in the *Gazette officielle du Québec*, except

(1) section 17, insofar as it enacts subparagraphs *b* and *c* of paragraph 7 of section 44 of the Regulation respecting permits and certificates for the sale and use of pesticides, which comes into force on (*insert the date that is one year after the date of coming into force of this Regulation*);

(2) the following provisions, which come into force on 1 January 2025:

(a) sections 3, 7, 12, 14, 16 and 19, subparagraph *a* of paragraph 1 and paragraph 2 of section 20, sections 21, 22, 23 and 25, paragraph 1 and subparagraphs *a*, *b* and *d* of paragraph 2 of section 26;

(b) section 17, insofar as it enacts subparagraph *a* of paragraph 7 of section 44 of the Regulation respecting permits and certificates for the sale and use of pesticides;

(3) paragraph 5 of section 8, paragraph 4 of section 9 and paragraph 4 of section 13, which come into force on *(insert the date that is two years after the date of coming into force of this Regulation)*.

Regulation to amend the Dam Safety Regulation

Dam Safety Act

(chapter S-3.1.01, s. 2.3, 1st par., s. 6, 3rd par., s. 7, 3rd par., s. 14, 2nd par., s. 15, 16, 17, 1st par., s. 19, 1st and 2nd par., s. 20, 21, 1st par., s. 22.1, 1st par., s. 24, 29, 3rd par., s. 31, 2nd and 3rd par., s. 36, 1st par., subpars. 3.1, 5 and 6, and s. 37)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, ss. 30 and 45)

1. The Dam Safety Regulation (chapter S-3.1.01, r. 1) is amended in section 4,

(1) in the first paragraph,

(a) by replacing “structures impounding the water of a single reservoir that are owned by the same person” in the definition of “project” by “dams impounding the water of a single reservoir”;

(b) by striking out the definition of “existing dam”;

(c) by inserting the following definitions in alphabetical order:

““associated dam” means a high-capacity dam whose failure consequence category is “very low” or “low” and is part of the same project as a high-capacity dam whose failure consequence category is equal to or greater than “moderate”; (*barrage associé*)”

““newly listed dam” means a dam previously unknown to the Minister that is newly listed in the register of dams established pursuant to Chapter II; (*barrage nouvellement répertorié*)”

““dam newly classified as a high-capacity dam” means a dam classified as a high-capacity dam following a review of its classification conducted by the Minister pursuant to section 2.3 of the Act and Chapter II.1 of this Regulation; (*barrage nouvellement catégorisé à forte contenance*)”

““crest” means the top of the dam structure that impounds water or protects the bank adjacent to the dam; (*crête*)”.

(2) by striking out the second paragraph.

2. The following is inserted after section 4:

“**4.1.** The owner of a dam must, within 30 days of receiving a request from the Minister, send the Minister the owner’s complete contact information, including a telephone number and email address.

4.2. Realistic and prudent assumptions and methods based on good practice must be used to perform the estimates and calculations required pursuant to this Regulation, in order to make recommendations that are consistent with the objective of increasing dam safety and, as a result, protecting persons and property against the risks associated with dams.”

3. Section 5 is amended

(1) in the first paragraph

(a) by inserting “and, if applicable, of the dam project” in subparagraph 1 after “dam”;

(b) by striking out “discharge capacity, in the case of a high-capacity dam,” in subparagraph 6;

(c) by striking out “, reference to any upstream or downstream structures and, where a dam is part of a project, reference to the other structures forming part of the project”, in subparagraph 6;

(d) by adding the following subparagraph at the end:

“(9) the classification of the dam.”;

(2) in the second paragraph

(a) by replacing “4” in the part preceding subparagraph 1 by “2.2”;

(b) by inserting “where applicable,” at the beginning of subparagraph 3;

(3) by striking out the third paragraph.

4. Section 6 is amended

(1) by replacing “ouvrage” in the French text of the first paragraph by “barrage”;

(2) by striking out the second paragraph.

5. Section 7 is amended by striking out the second paragraph.**6.** Section 8 is replaced by the following:

“8. The information in the register, except the name and address of the dam owner if the owner is a natural person, shall be accessible on the website of the Ministère du Développement durable, de l’Environnement et des Parcs.”

7. The following is inserted, after section 8:**“CHAPTER II.1
DAM CLASSIFICATION**

8.1. Dams must be classified by the Minister according to the classes listed in section 2.2 of the Act.

The Minister classifies or, as the case may be, reviews the classification of a dam in the following circumstances in particular:

(1) when a dam is newly listed;

(2) when the Minister issues an authorization under section 5 of the Act;

(3) after receiving a declaration under section 29 of the Act;

(4) following a site visit by an inspector or investigator;

(5) when information brought to the Minister’s attention by a third party justifies a review;

(6) at any time following a request by the dam owner, supported by a report or study made under the responsibility of an engineer or another justifying document.”

8. Section 9 is amended by replacing “Every” by “For the purposes of section 14 of the Act, every”.

9. Section 10 is amended by replacing the second paragraph by the following:

“A dam may only be classified as a Class E dam if all the following conditions are met:

(1) the dam failure consequence category is “very low”;

(2) the “P” value determined under section 9 is less than 70;

(3) the owner requests such a classification and files, in support, a report or a study prepared under the responsibility of an engineer.”

10. Section 11 is replaced by the following:

“**11.** Subject to section 74, the classification and classification parameters for a dam are determined or reviewed by the Minister, in particular in the following circumstances:

(1) when a dam is newly listed;

(2) when the Minister issues an authorization under section 5 of the Act;

(3) when the Minister issues an approval under section 17 of the Act;

(4) following a dam failure analysis or dam safety review;

(5) following a site visit by an inspector or investigator;

(6) when information brought to the Minister’s attention by a third party justifies a review;

(7) at any time following a request by the dam owner, supported by a report or study made under the responsibility of an engineer or another justifying document.”

11. Section 12 is amended by adding “referred to in section 13 or section 14, as the case may be” at the end.

12. Section 14 is amended in the first paragraph

(1) by striking out “At the completion of the assessment, the dam condition is rated “very good”, “good”, “acceptable”, “poor” or “undetermined”” in subparagraph 3 of the first paragraph;

(2) by striking out “At the completion of the assessment, the reliability of the discharge facilities is rated “satisfactory”, “acceptable”, “unsatisfactory” or “undetermined”. in subparagraph 4 of the first paragraph.

13. Section 15 is amended

(1) by replacing “rating given to any section” in the first paragraph by “reliability rating given to any discharge facility”;

(2) in the second paragraph

(a) by replacing “on the rim of a single reservoir” by “in a given project”;

(b) by replacing “structures” by “dams”;

(c) by replacing “rating given to any such dam or to a section of one of those dams” by “reliability rating given to all the discharge facilities for the various dams”.

14. Section 17 is amended

(1) by replacing “downstream area, barring exceptions,” by “area”;

(2) by inserting “during normal operation and during floods” after “scenarios”.

15. Section 18 is replaced by the following:

“**18.** The delineation of the area that would be affected by a dam failure and identification of the characteristics of the area are based on a dam failure analysis prepared by an engineer. The area potentially affected by the dam failure is the area located, in general, downstream of the dam as far as the point of attenuation of the dam break flood wave, in which flooding would be due entirely to the dam failure. The point of attenuation is the point at which the flood wave subsides or any point within its limits, if the engineer responsible demonstrates that no characteristic of the area is present beyond that point.

The dam failure analysis sent to the Minister must include the assumptions and methods used by the engineer to recommend a dam failure consequence category for the dam, along with maps of the area that would be affected by a dam failure and inundated due entirely to the dam failure, indicating flood wave arrival times following a failure during normal operation and during floods taking into account, in the latter case, the consequence category matching the dam’s safety check flood.

To determine the population density required to assess the dam’s failure consequence category, the engineer must prepare a prudent and conservative inventory of the cottages and seasonal residences, used temporarily, and the permanent residences, used permanently, located wholly or partly in the area affected by the dam failure, indicating the number of residents concerned. Similarly, the engineer must determine the infrastructures and services located in the area affected by the dam failure that would be destroyed or severely damaged in the event of a dam failure.

No dam failure analysis is required when the engineer responsible demonstrates that the characteristics of the area that would be affected by a dam failure would not lead to a dam failure consequence category greater than “very low” or “low” if the analysis was carried out, and in such a case only a prudent inventory of the characteristics of the area that would, as demonstrated by the engineer, be affected by the dam failure is required.”.

16. Section 19 is replaced by the following:

“**19.** Where a maximum of 3 permanent residences are located in the area that would be affected by a dam failure, they may be disregarded in the inventory of the characteristics of the area affected in connection with population density if the engineer demonstrates that in no case would the water levels resulting from the dam failure reach the lowest opening in the foundations of any such residence, whether or not the foundation has a floor at the basement level, and that the flood wave would present no risk for the residents of such residences.

For the purposes of the first paragraph,

“lowest opening” means any door, window, orifice or gap in the foundation walls of a building that could allow the passage of water. If there are no openings in the foundation walls or if a building has no foundations, the ground floor is considered to be the lowest opening in the building;

“ground floor” means the top of the foundation walls or, if none, the level of the floor onto which the entrance door opens.

17. Section 20 is amended by replacing “with an earthfill or rockfill component that” in the definition of “erodible dam” by “one of the components of which, including the banks supporting the dam,”.

18. Section 21 is amended by striking out “des dispositions” in the French text;

19. Section 21.1 is amended

(1) in the first paragraph

(a) by replacing “A dam’s” by “Subject to sections 22 and 24, a dam’s”;

(b) by replacing “certifies” by “demonstrates”;

(c) by replacing “section 19” by “sections 16 to 19”;

(2) by replacing the second paragraph by the following paragraph:

“The demonstration by the engineer must be sent to the Minister with the dam failure analysis referred to in the second paragraph of section 18.”

20. Section 22 is amended in subparagraph 2 of the first paragraph

- (1) by inserting “total available” after “to the”;
- (2) by inserting “during such a flood,” after “dam”.

21. Section 24 is amended by replacing “all the dams located on the rim of a single reservoir” by “the dams in a given project”.

22. Section 25 is amended

- (1) in the first paragraph
 - (a) by inserting “of one or more sections” after “crest”;
 - (b) by replacing “susceptible” in the French text by “susceptibles”;
 - (c) by striking out “to the Minister’s satisfaction”;
 - (d) by striking out “all”;
- (2) by inserting “, the wave patterns” after “lag time” in the second paragraph.

23. Section 26 is amended by replacing the second paragraph by the following:

“The provisions of the first paragraph apply only to new construction or reconstruction projects.”

24. Section 27 is replaced by the following:

“27. Every dam must be designed to remain stable when a safety check flood occurs and manage that flood safely.”

25. Section 30 is replaced by the following:

“30. Subject to section 76, an impounded water management plan must be drawn up for every dam or project, before its commissioning, by its owner or, in the case of a project belonging to several persons, jointly by the owners of the dams with discharge facilities, except

- (1) dams whose failure consequence category is “very low” or “low” and which are not associated dams;
- (2) Class E dams;

(3) dams on which the only discharge facility is a free weir;

(4) dams for which an engineer demonstrates that it is not necessary to manoeuvre the dam discharge facilities during floods.

The plan must describe all the measures that will be taken by the owner to manage the impounded water safely, in particular during situations likely to imperil the safety of persons or property located upstream or downstream of the dam, except those covered by the emergency action plan.

The plan must, in particular, include the following information:

(1) a description of the hydrographical network upstream and downstream of the dam, including flood estimates and the catchment basin lag time as well as, where applicable, reference to other structures in the network that may affect the operation of the dam or whose operation the dam may affect and a quantification of any such impact;

(2) the operational constraints relating to the safety of persons or property located upstream or downstream of the dam during normal operation and during floods;

(3) the full supply level;

(4) the flow and level of the safety check flood;

(5) the level or depth at which the reservoir overflows at its lowest point;

(6) the reservoir storage curve, if available;

(7) the discharge curve, depending on the water level;

(8) if there are any inhabited areas near the dam, the upstream and downstream flood limits;

(9) a description of the measures that will be taken by the owner to manage the impounded water, in particular when the flow reaches the lower flood level, that is, the flow at which property may be affected by the discharged water; and

(10) where applicable, a description of the communications strategy for providing information on hazards to the civil protection authorities, other dam owners in the hydrographic system, enterprises, and inhabitants who will ultimately be affected by the implementation of the impounded water management plan.”

26. Section 33 is amended

(1) in the first paragraph

(a) by replacing “a summary of the plan as drawn up or amended” by “the plan as drawn up or amended or a summary of the plan”;

(b) by replacing “plan summary” by “plan or summary”;

(2) in the second paragraph

(a) by replacing “second” by “third”;

(b) by replacing “provision” by “paragraph” at the end.

27. Section 34 is revoked.**28.** Section 35 is amended

(1) by replacing the first sentence of the first paragraph by “Subject to section 77, an emergency action plan must be drawn up before the commissioning of any dam whose failure consequence category is equal to or greater than “moderate”.”;

(2) in the second paragraph

(a) by replacing “infrastructures that would be destroyed or severely damaged” in subparagraph 3 of the second paragraph by “characteristics of the area”;

(b) by inserting the following after subparagraph 4:

“(4.1) where applicable, a description of the safety devices with which the dam is equipped, namely, emergency systems, emergency detector systems and back-up systems;”

(3) by replacing the third paragraph by the following paragraph:

“The inundation maps referred to in the second paragraph of section 18 must be appended to the emergency action plan.”.

29. Section 39 is amended

(1) in the first paragraph

(a) by replacing “a summary of the plan as drawn up or amended” by “the plan as drawn up or amended or a summary of the plan”;

(b) by replacing “plan summary” by “plan or summary”;

(c) by striking out the last sentence;

(2) in the second paragraph

(a) by replacing “second” by “third”;

(b) by replacing “provision” by “paragraph”;

(c) by replacing the last sentence by the following: “The inundation maps referred to in the third paragraph of section 35 must be appended to the summary.”.

30. Section 40 is revoked.**31.** Section 41 is amended

(1) by replacing “Every” by “Subject to section 79, every”;

(2) By adding the following paragraph at the end:

“For the purpose of this section, the word “year” refers to a calendar year.”.

32. Section 42 is amended

(1) in the second paragraph

(a) by replacing “its” by “the”;

(b) by replacing “behavior” by “behaviour of the dam and any changes likely to affect the classification parameters for the dam”;

(2) by adding the following paragraph at the end:

“The owner of a dam must, when informed by the engineer responsible for an inspection that a change affecting a classification parameter has been observed, inform the Minister of the change in accordance with section 7.”.

33. The following is inserted after section 42:

“**42.1.** Not later than 31 March in the calendar year following the year during which a site inspection or inspection is carried out, the person responsible for the inspection activity must file a detailed written report containing, in particular,

(1) the name and contact information of the person responsible for the inspection activity;

(2) the date of the inspection activity;

(3) a description of the observations made during the inspection activity concerning, in particular, the water level, the temperature, the condition of the dam and its discharge facilities, and the presence of deficiencies or other particularities;

(4) the photographs taken during the inspection activity;

(5) a checklist of the elements of the dam that must be monitored.

In addition to the information listed in the first paragraph, an inspection report must mention all checks, monitoring and analysis conducted pursuant to the second paragraph of section 42.”

34. Section 43 is amended

(1) by replacing “Notwithstanding section 42, the monthly site inspections may be omitted for” by “Where the frequency established pursuant to section 41 requires site visits to be conducted during”;

(2) by inserting “, the visits may be moved to another date in the same calendar year” after “inclusively”.

35. Section 44 is amended by striking out “, paragraph 1 of section 49.0.1” in the first paragraph.

36. Section 45 is amended, in the part preceding paragraph *a*,

(1) by replacing de “Class A, Class B or Class C” by “Class A or Class B dam, and of a Class C dam whose failure consequence category is equal to or greater than “High””;

(2) by striking out “or under their supervision”.

37. Section 46 is amended

(1) by replacing “Every” in the first paragraph by “Subject to section 80, every”;

(2) in the second paragraph

(a) by inserting “the following documents and information” after “contain” in the part preceding subparagraph 1;

(b) by replacing subparagraph 1 by the following:

“(1) the reports resulting from monitoring activities;”;

(c) by inserting “or a copy” after “description” in subparagraph 2;

(3) in the third paragraph

(a) by striking out “, where applicable,” in the part preceding subparagraph 1;

(b) by inserting “the following information, if available:” after “contain” in the part preceding subparagraph 1;

(4) by striking out the fourth paragraph.

38. The following is inserted in Division IV before section 48:

“**47.1.** A dam safety review must be carried out for every dam whose failure consequence category is equal to or greater than “moderate” and every associated dam.”.

39. Section 48 is replaced by the following:

“**48.** Whatever the failure consequence category entered in the register of dams, an engineer who carries out a dam safety review pursuant to section 47.1 must begin by carrying out an assessment of the dam’s failure consequence category pursuant to section 18.

If the assessment of the dam’s failure consequence category pursuant to section 18 demonstrates that the failure consequence category is “very low” or “low” and if the dam is not an associated dam, the dam owner must send the dam failure analysis to the Minister, together with a request for a review of classification in accordance with section 11.

If the assessment of the dam’s failure consequence category pursuant to section 18 confirms that the failure consequence category is equal to or greater than “moderate” or if the dam is an associated dam, the dam safety review must include

(1) checking the condition and behaviour of the dam by means of

(a) an inspection of every structural component;

(b) an analysis of the compiled results of every inspection activity carried out since the last safety review or, in the absence of such a review, during the period considered appropriate by the engineer responsible;

(c) where applicable, a check of the instrumentation and an analysis of the readings since the last safety review or, in the absence of such a review, during the period considered appropriate by the engineer responsible; and

(d) a check of the functionality and reliability of the discharge facilities;

(2) verifying the dam design by means of

(a) a reappraisal of the design criteria, namely the data, assumptions and analysis methods considered at the time of dam design, in particular with reference to hydrology, hydraulics, structure, discharge capacity and flood routing; and

(b) a validation of the stability of the dam and foundation, including the data and assumptions used to rule on the stability of the dam structure and foundation based on the design criteria current at the time of the dam safety review for the types of failure likely to occur;

(3) analyzing the topography of the reservoir rim;

(4) reviewing the dam's classification;

(5) drawing up or reviewing the impounded water management plan, if such a plan must be drawn up for the dam concerned in accordance with the provisions of Subdivision 1 of Division III;

(6) drawing up or reviewing the emergency action plan, if such a plan must be drawn up for the dam concerned in accordance with the provisions of Subdivision 2 of Division III.”

40. Section 49 is amended

(1) in the first paragraph

(a) by replacing subparagraph 6 by the following:

“(6) the stability calculations and geotechnical data required to support the opinions mentioned in subparagraphs 5 and 5.1 of this paragraph and the validation mentioned in subparagraph *b* of subparagraph 2 of the third paragraph of section 48, except if the dam's failure consequence category is “very low” or “low”;

“(6.1) the results of the analysis of the topography of the reservoir rim;”;

(b) by replacing “if applicable, the recommendations of the engineer in charge” in subparagraph 8 by “the opinion of the engineer responsible concerning the need for remedial work to ensure the dam's safety and, if applicable, the engineer's recommendations”

(c) by striking out “to ensure the dam's safety” in subparagraph 8;

(d) by replacing “if applicable,” in subparagraph 9 by “if remedial work is required to ensure the dam's safety;”;

(e) by replacing “rough inundation maps or characterization of the area referred to in section 18” in subparagraph 10 by “referred to in the second paragraph of section 18 or the prudent inventory of the characteristics of the area concerned referred to in the third paragraph of that section;”;

(2) by striking out “as established by the Commission de toponymie,” in subparagraph 1 of the second paragraph;

(3) by replacing the third paragraph by the following:

“Where an impounded water management plan or emergency action plan must be drawn up for the dam in accordance with the provisions of Division III, the dam's owner must also append to the report a notice stating that the plans have been drawn up or reviewed and indicating the authority to which the plans or a summary of the plans have been sent in accordance with sections 33 and 39.”

41. Sections 49.0.1 and 49.0.2 are revoked.

42. Section 50 is amended

(1) in the first paragraph

(a) by replacing de “every 10 years” by “not later than 31 December of the tenth calendar year following the year in which the last review was carried out”;

(b) by replacing “frequency is increased to 15 years and 20 years” by “interval is increased to the twentieth and fifteenth calendar year following the year in which the last review was carried out”;

(c) by inserting “associated” after “for”;

(d) by replacing “Low and Very Low” by “Very Low and Low”;

(2) by replacing “structure” in the second paragraph by “dam”.

43. Section 51 is amended

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

“Subject to section 78, the first dam safety review must be conducted, and the resulting report sent to the Minister, not later than the following date:

(1) for a dam whose failure consequence category becomes equal to or greater than “moderate” following a review of the classification parameters pursuant to section 11, 31 December of the fifth calendar year following the year in which the owner is informed of a change in either its failure consequence category or its classification;

(2) for a dam whose failure consequence category is “very low” or “low” and which becomes an associated dam, 31 December of the fifth calendar year following the year in which the owner is informed that the dam has become an associated dam;

(3) for any other dam, 31 December of the tenth calendar year following the year of completion of construction work on the dam. However, the interval is increased, respectively, to the twentieth and fifteenth calendar year following the year of completion of construction work on the dam for associated dams whose failure consequence category is “very low” or “low”;

(2) in the second paragraph

(a) by striking out “dam commissioning and the year of”;

(b) by replacing “are the years” by “is the year”.

44. Section 52 is replaced by the following:

“**52.** The description of the remedial work that the dam owner intends to carry out to make the dam safe in accordance with good practice and the minimum safety standards, together with the implementation schedule forwarded by the owner pursuant to section 17 of the Act, must be sent to the Minister for approval at the same time as the report on the dam safety review.

The Minister’s decision under section 17 concerning the remedial work that the owner intends to carry out and of the implementation schedule must be rendered within 6 months from the date on which the file on the safety review and the application for approval of the description of remedial work and the implementation schedule is complete.”

45. Section 54 is amended by replacing “dam or structure” in the part preceding subparagraph 1 of the first paragraph by “dams”.

46. Section 56 is amended by replacing “within 4 months after receipt of the proposal” by “not later than 4 months after the date on which the file on the application is complete”.

47. Section 57 is replaced by the following:

“**57.** The following information and documents, in addition to those required by the Act, must be submitted with an application for authorization for the construction of a dam or for a structural alteration that affects all parts of the dam or that, because of the scope of the work, is equivalent to reconstructing the dam:

(1) the appropriate hydrological and hydraulic studies;

(2) a recommendation from the engineer responsible for the dam project plans and specifications in respect of the failure consequence category for the dam, to which is appended the dam failure analysis required under section 18;

(3) confirmation that emergency preparedness procedures are provided for in the event of the failure of the dam or of other temporary structures during the construction work referred to in the application, if an emergency action plan is required under Subdivision 2 of Division III for the dam to be constructed;

(4) the structural and foundation stability studies for the dam to be constructed, including the calculations on which they are based, carried out in accordance with good practice and the minimum safety standards applicable, and assessing possible failure modes;

(5) the opinion of the engineer responsible concerning the liquefaction potential of the dam and its foundation and the data on which that opinion is based, unless the dam failure consequence category is “very low” or “low”;

(6) the geotechnical studies required to support the studies and opinion mentioned in subparagraphs 4 and 5 of this paragraph, unless the dam failure consequence category is “very low” or “low”;

(7) the results of a topographic analysis of the reservoir rim;

(8) if applicable, the recommendations of the engineer responsible as to the need for an intervention at the locations, on the reservoir rim, through which overflow could occur during a flood equal to the dam’s safety check flood;

(9) detailed cost estimates for the planned work;

(10) the plans and specifications for the project, drawn up by an engineer;

(11) a recommendation from the engineer responsible concerning the classification of the dam following the work;

(12) an attestation from the engineer responsible establishing the compliance of the plans and specifications with the minimum safety standards applicable and in particular those prescribed in Division II;

(13) a notice stating that an impounded water management plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 33 if, pursuant to the provisions of Subdivision 1 of Division III, such a plan must be drawn up for the dam;

(14) a notice stating that the emergency action plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 39 if, pursuant to the provisions of Subdivision 2 of Division III, such a plan must be drawn up for the dam.”

48. Section 58 is replaced by the following:

“**58.** In addition to the information and documents required by the Act, the following information and documents adapted and prepared specifically in relation to the proposed alteration must be submitted with an application for authorization for a structural alteration to a dam whose failure consequence category is equal to or greater than “moderate” or of an associated dam, other than one referred to in section 57:

(1) the structural and foundation stability studies for the dam, including the calculations on which they are based, carried out in accordance with good practice and the minimum safety standards applicable, and assessing possible failure modes;

(2) the opinion of the engineer responsible concerning the liquefaction potential of the dam and its foundation and the data on which that opinion is based, unless the dam failure consequence category is “very low” or “low”;

(3) the geotechnical studies required to support the studies and opinion mentioned in subparagraphs 1 and 2 of this paragraph, unless the dam failure consequence category is “very low” or “low”;

(4) confirmation that emergency preparedness procedures are provided for in the event of the failure of the dam or of other temporary structures during the construction work referred to in the application, if an emergency action plan is required under Subdivision 2 of Division III for the dam;

(5) if the proposed structural alteration would enlarge the area affected by a dam failure, the recommendation of the engineer responsible for drawing up the plans and

specifications for the proposed alteration in respect of the dam failure consequence category, to which is appended the dam failure analysis referred to in section 18;

(6) detailed cost estimates for the planned work;

(7) the plans and specifications for the project, drawn up by an engineer;

(8) a recommendation from the engineer responsible concerning the classification of the dam following the work;

(9) an attestation from the engineer responsible establishing the compliance of the plans and specifications with the minimum safety standards applicable and in particular those prescribed in Division II;

(10) a notice stating that the emergency action plan has been reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 39, if such a plan must be drawn up for the dam and if the completion of the project covered by the application for authorization will enlarge the area affected by a dam failure.

In addition to the information and documents referred to in the first paragraph, if the structural alteration would change the safety check flood, the impounding capacity, the full supply level or the discharge capacity of the dam, the following documents must also be appended to the application for authorization:

(1) the appropriate hydrologic and hydraulic studies;

(2) the results of a topographic analysis of the reservoir rim;

(3) if applicable, the recommendations of the engineer responsible as to the need for an intervention at the locations, on the reservoir rim, through which overflow could occur during a flood equal to the dam’s safety check flood;

(4) a notice from the owner or the engineer responsible stating that an impounded water management plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 33 if, pursuant to the provisions of Subdivision 1 of Division III, such a plan must be drawn up for the dam.

In addition to the information and documents required by the Act, the following information and documents adapted and prepared specifically in relation to the proposed alteration must be submitted with an application for authorization for a structural alteration to a dam

whose failure consequence category “very low” or “low” and that is not part of the same project as a dam whose failure consequence category is equal to or greater than “moderate”, as entered in the register, other than one referred to in section 57:

(1) the information and documents referred to in subparagraphs 6 to 8 of the first paragraph of section 58, and those referred to in the second paragraph of that section;

(2) the opinion of the engineer responsible concerning the stability of the dam and its foundation taking the nature of the proposed work into account;

(3) an attestation from the engineer responsible stating that the dam’s safety will increase as part of the project.”

49. Section 59 is amended by striking out subparagraph 3 of the first paragraph.

50. Section 60 is amended

(1) by replacing “, rough maps or characterization required under section 18 for the consequence category the engineer considers appropriate for the dam” in paragraph 3 by “pursuant to section 18”;

(2) by replacing paragraph 4 by the following:

“(4) a notice stating that an impounded water management plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 33 if, pursuant to the provisions of Subdivision 1 of Division III, such a plan must be drawn up for the dam.”

51. Section 61 is amended by replacing “, rough maps or characterization required under section 18 for the consequence category the engineer considers to be appropriate for the dam once the operation has stopped” in subparagraph *b* of paragraph 1 “by “pursuant to section 18”.

52. Section 62 is amended by replacing “9” in the third paragraph by “7”.

53. Section 69 is amended by striking out the second paragraph.

54. Section 70 is amended by adding “or by means of an electronic payment” at the end.

55. Section 72 is replaced by the following:

“72. A declaration of the construction or structural alteration of a dam must contain

(1) the name and address of the owner and the particulars of the dam location, including geographic coordinates;

(2) the impounding capacity of the dam following the work;

(3) the height of the dam following the work;

(4) the project description;

(5) an attestation from the engineer responsible for the plans and specifications stating that the dam will be or will remain in the Class of low-capacity dams following the work;

(6) the name of the engineer responsible for the plans and specifications, and the member’s membership number in the Ordre des ingénieurs du Québec.

The owner or promoter required to send the declaration mentioned in the first paragraph to the Minister must use the appropriate form available on the website of the Minister’s department.”

56. Section 73 is amended by adding the following paragraph at the end:

“The owner or promoter required to send the declaration mentioned in the first paragraph to the Minister must use the appropriate form available on the website of the Minister’s department.”

57. The heading of Chapter V is amended by replacing “EXISTING HIGH-CAPACITY DAMS” by “NEWLY LISTED HIGH-CAPACITY DAMS AND DAMS NEWLY CLASSIFIED AS HIGH-CAPACITY DAMS”.

58. Sections 74 and 75 are replaced by the following:

“74. The Minister classifies all newly listed dams or dams newly classified as high-capacity dams in accordance with the provision of Division I of Chapter III, subject to the proviso that the dam’s failure consequence category is determined on the basis of a prudent inventory of the characteristics of the area.”

75. Every newly listed dam or dam newly classified as a high-capacity dam with characteristics that do not comply with the minimum safety standards applicable to it pursuant to Division II of Chapter III must be brought into conformity with those standards not later than the earlier of

(1) the date on which the dam undergoes a structural alteration that affects all parts of the dam or that, because of the scope of the work, is equivalent to reconstructing the dam; or

(2) in the case of a dam whose failure consequence category is equal to or greater than “moderate”, or in the case of an associated dam, the completion date stated in the outline of remedial measures and implementation schedule approved by the Minister under section 17 of the Act.

In addition, if structural alterations other than those referred to in subparagraph 1 of the first paragraph are made to a dam whose failure consequence category is equal to or greater than “moderate” or to an associated dam before either of those dates, the dam must be brought into conformity with the various minimum safety standards applicable to the work, to the parts of the dam or to the characteristics of the dam being altered or affected by the alterations to the structure of the dam.”

59. Section 76 is amended

(1) in the first paragraph

(a) by replacing “an existing dam” in the part preceding subparagraph 1 by “a newly listed dam or a dam newly classified as a high-capacity dam”;

(b) by replacing “structure” in subparagraph *a* of subparagraph 2 by “dam”;

(2) by inserting by the following paragraph after the first paragraph:

“The owner must also, as soon as possible after the impounded water management plan is drawn up, send the plan or a summary of the plan to the local municipality within whose territory the dam is located or, in the case of an unorganized territory, the competent regional authority or the Minister of Public Security, in accordance with the provisions of section 33.”;

(3) in the second paragraph

(a) by replacing “An impounded water management plan summary” by “A notice stating that an impounded water management plan”;

(b) by replacing “under the second paragraph of section 33” by “has been drawn up and indicating the authority to which the plan or a summary of the plan has been sent in accordance with the second paragraph”;

(c) by replacing “as the case may be” by “where applicable”.

(4) by striking out the third paragraph.

60. Section 77 is amended

(1) in the first paragraph

(a) by replacing “an existing dam” in the part preceding subparagraph 1 by “a newly listed dam or a dam newly classified as a high-capacity dam”;

(b) by replacing “structure” in subparagraph *a* of subparagraph 2 by “dam”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The owner must also, as soon as possible after the emergency action plan is drawn up, send the plan or a summary of the plan to the local municipality within whose territory the dam is located or, in the case of an unorganized territory, to the competent regional authority or the Minister of Public Security, in accordance with the provisions of section 39.

A notice stating that an emergency action plan has been drawn up and indicating the authority to which the plan or a summary of the plan has been sent in accordance with the second paragraph must be appended either to the first dam safety review or to the application for authorization referred to in subparagraph 2 of the first paragraph.”.

61. Sections 78, 79 and 80 are replaced by the following:

“**78.** The first dam safety review of a newly listed dam or a dam newly classified as a high-capacity dam must be conducted, and the attendant report sent to the Minister, before 31 December of the fifth calendar year following the year in which the owner is informed of its entry in the register or the entry of its new classification in the register.”.

79. The first inspection activity on a newly listed dam or a dam newly classified as a high-capacity dam must be conducted not later than three months after the date on which the dam’s owner is informed of its entry in the register or the entry of its new classification in the register.

80. Within 30 days from the date on which the owner of a newly listed dam or a dam newly classified as a high-capacity dam is informed of its entry in the register or the entry of its new classification in the register, the owner must establish a logbook and enter in the logbook the actions that have been taken and the significant events that have occurred since the dam was commissioned, to the best of the owner’s knowledge.

The owner must update the logbook in accordance with section 46 from the date on which it is established.”.

62. Section 81, the heading of Chapter VI and section 82 are replaced by the following:

**“CHAPTER V.1
ADMINISTRATIVE AND PENAL PROVISIONS**

**DIVISION I
MONETARY ADMINISTRATIVE PENALTIES**

81. 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

(1) fails to send a notice, information or a document, or to comply with the time limits and procedure for producing or sending a notice, information or a document, in contravention of section 4.1, 6, 33, 39 or 42 or with the second or third paragraph of section 76 or 77;

(2) fails to inform the Minister of any change affecting information entered in the register or to send a document or information to the Minister within the time prescribed by section 7, in contravention of that section;

(3) fails to inform the Minister of any change affecting information entered in the register within the time prescribed by section 7, in contravention of the third paragraph of section 42;

(4) fails to establish, keep or maintain the register provided for in section 21 of the Act, in contravention of section 46 or 80;

(5) fails to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided for.

82. 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

(1) fails to comply with the number, frequency or time limits for the inspection activities provided for in section 41 or 79;

(2) fails to produce a report containing the information prescribed by section 42.1 in accordance with the conditions set out in that section.

**DIVISION II
PENAL SANCTIONS**

82.1. Every person who

(1) fails to send a notice, information or a document, or to comply with the time limits and procedure for producing or sending a notice, information or a document, in contravention of section 4.1, 6, 33, 39 or 42 or with the second or third paragraph of section 76 or 77,

(2) fails to inform the Minister of any change affecting information entered in the register or to send a document or information to the Minister within the time prescribed by section 7, in contravention of that section,

(3) fails to inform the Minister of any change affecting information entered in the register within the time prescribed by section 7, in contravention of the third paragraph of section 42,

(4) fails to establish, keep or maintain the register provided for in section 21 of the Act, in contravention of section 46 or 80,

(5) fails to comply with a provision of this Regulation for which no offence is otherwise provided for,

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.

82.2. Every person who

(1) fails to comply with the number, frequency or time limits for the inspection activities provided for in section 41 or 79,

(2) fails to produce a report containing the information prescribed by section 42.1 in accordance with the conditions set out in that section,

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.

CHAPTER VII
FINAL

63. Schedule II is amended

(1) by inserting the following in the “Dam types” section, placed by alphabetical order:

Rockfill - zoned
Impervious core 3

Rockfill - zoned (core) 3

(2) by inserting the following in the “Foundation types” section, after the line “Rock”:

“Core on treated rock 3”;

(3) by inserting the following in the “Foundation types” section, after the line “Treated till”:

“Core on rock 4”;

(4) by inserting the following in the “Foundation types” section, after the line “Till”:

“Core on till 5”;

(5) by inserting the following in the “Foundation types” section, after the line “Treated alluvial deposits”:

“Core on clay 8”.

64. Schedule III is amended by inserting, after the section “Reliability of discharge facilities” and before the section “Dam condition”, the following paragraphs :

“Satisfactory: there is a very high probability that the discharge facility will operate effectively during a flood;

Acceptable: there is a real or temporary probability that the discharge facility will not operate effectively during a flood;

Unsatisfactory or undetermined: there is a low or zero probability that the discharge facility will operate effectively during a flood, or the information available is insufficient to rule of the reliability of the dam’s discharge facilities.”

65. Schedule V is amended

(1) by replacing the table “Characteristics of the affected area” by the following:

“SCHEDULE V
(s. 17)

CHARACTERISTICS OF THE AFFECTED AREA

Characteristics of the affected area			Consequence Category
Population density		Extent of damaged infrastructures and interrupted services	
Uninhabited area	OR	Area containing minimal infrastructures or services such as <ul style="list-style-type: none"> - another dam in the Very Low Consequence category - a resources access road - farmland - a commercial facility without accommodations 	Very Low
Occasionally inhabited area containing less than 10 cottages or seasonal residences	OR	Area containing limited infrastructures or services such as <ul style="list-style-type: none"> - another dam in the Low Consequence category - a local road 	Low
OR Area containing a commercial facility that provides accommodation for less than 25 persons or that has less than 10 accommodation units (i.e., 10 cottages, 10 campsites, 10 motel rooms)			
Permanently inhabited area containing less than 10 residences or occasionally inhabited and containing 10 or more cottages or	OR	Area containing moderate infrastructures or services such as <ul style="list-style-type: none"> - another dam in the Moderate Consequence category - a feeder road - a railway line (local or regional) - an enterprise with less than 50 employees 	Moderate

<p>seasonal residences</p> <p>OR</p> <p>Area containing a seasonal commercial facility that provides accommodation for 25 or more persons or that contains 10 or more accommodation units or that operates year-round and provides accommodation for less than 25 persons or has less than 10 accommodation units</p>		<ul style="list-style-type: none"> - a main water intake upstream or downstream of the dam that supplies a municipality - a water reservoir upstream or downstream of the dam that supplies a municipality 	
<p>Permanently inhabited area containing 10 or more residences and less than 1,000 residents</p> <p>OR</p> <p>Area containing a commercial facility that operates year-round and provides accommodation for 25 or more persons or has 10 or more accommodation units</p>	OR	<p>Area containing significant infrastructures or services such as</p> <ul style="list-style-type: none"> - another dam in the High Consequence category - a regional road - a railway line (transcontinental or transborder) - a school - an enterprise that has 50 to 499 employees 	High

Permanently inhabited area with a population of more than 1,000 and less than 10,000	OR	Area containing major infrastructures or services such as <ul style="list-style-type: none"> - another dam in the Very High Consequence category - an autoroute or national highway - an enterprise that has 500 or more employees - an industrial park - a dangerous substances storage site 	Very High
Permanently inhabited area with a population of 10,000 or more	OR	Area containing substantial infrastructures or services such as <ul style="list-style-type: none"> - another dam in the Severe Consequence category - a hospital - a major industrial complex - a large dangerous substances storage site - the St. Lawrence Seaway 	Severe

(2) by adding the following paragraph at the end: “For an infrastructure or service that does not match one of the types listed in the table above, an equivalency must be established with the type of infrastructure or service that, by analogy, provides the best match with the infrastructure or service under consideration.”

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

106131

Draft Regulation

Youth Protection Act
(chapter P-34.1)

Training prior to adopting a child domiciled outside Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting training prior to adopting a child domiciled outside Québec, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides that a person who wants to adopt a child domiciled outside Québec must undergo training prior to adopting a child domiciled outside Québec offered by the Minister Responsible for Social Services.

The draft Regulation establishes that the Minister Responsible for Social Services or the person designated by the Minister issues an attestation to the person who has completed the prior training and that the attestation is valid for a period of 3 years.

Lastly, the draft Regulation specifies the terms and conditions regarding the holding of the attestation for the purposes of the adoption, with or without a certified body, of a child domiciled outside Québec.

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

Further information on the draft Regulation may be obtained by contacting Geneviève Poirier, Secretary and Director General, Secrétariat aux services internationaux à l'enfant, Ministère de la Santé et des Services sociaux, 201, boul. Crémazie Est, bureau 1.01, Montréal (Québec) H2M 1L2; telephone: (514) 873-5226; email: geneviève.poirier@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister Responsible for Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

LIONEL CARMANT
Minister responsible for Social Services