

Draft Regulation

Pesticides Act
(chapter P-9.3)

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

Pesticides Management Code

Permits and certificates for the sale and use of pesticides

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

The draft Regulations make various amendments aimed mainly at relaxing certain requirements applicable to agricultural activities.

An amendment is proposed to the Pesticides Management Code (chapter P-9.3, r. 1) to remove the requirement for an agronomic justification to use certain pesticides, making an agronomic prescription the sole requirement for that purpose. Adjustments are also proposed to the content of the agronomic prescription and to the register that must be kept. Consequential amendments are proposed to the applicable monetary administrative penalties and penal sanctions.

Amendments are also proposed to the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2) to create a Subclass E4 certificate, that is, a Farmer's Certificate for Sowing Pesticide Coated Seeds. Amendments consequential to the amendments proposed to the Pesticides Management Code are also made.

The regulatory relief proposed is aimed at ensuring greater equity and improving the efficiency of the parties involved by implementing regulations that are simpler, more specific and more consistent, while maintaining a high level of environmental protection. The regulatory relief should enable the enterprises concerned to save approximately 7.6 million dollars per year. All of those savings would be made by agricultural enterprises. The other measures proposed would not generate any additional costs for enterprises.

Further information on the draft Regulations may be obtained by contacting Maude Durand, 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; 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 Pesticides Management Code

Pesticides Act
(chapter P-9.3, ss. 101, 105 and 107, and s. 109, 1st par., subpars. 10 and 11).

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, s. 30, 1st par., and s. 45, 1st par.).

1. The Pesticides Management Code (chapter P-9.3, r. 1) is amended in section 49 by replacing “74.4” by “74.3”.

2. Section 74.1 is amended

(1) by replacing “justification” in the portion before paragraph 1 by “prescription”;

(2) by striking out paragraph 3;

(3) by replacing paragraph 5 by the following:

“(5) in the case of Class 1 to Class 3 pesticides:

(a) the crop to be treated;

(b) the name of the active ingredient involved in the treatment; and

(c) the names of the pesticides containing the active ingredient involved and the quantity required;”;

(4) by replacing “the parcel” in paragraph 6 by “every parcel”;

(5) by striking out paragraphs 7 to 11;

(6) by replacing paragraph 12 by the following:

“(12) in the case of Class 3A pesticides, the name of every active ingredient, the quantity of seeds required and the plant species concerned;”;

(7) by replacing “justification” in paragraph 13 by “prescription”.

3. Section 74.2 is revoked.

4. Section 74.3 is amended

(1) by replacing “justification” wherever it appears in the first and second paragraphs by “prescription”;

(2) by striking out the third paragraph;

(3) by replacing “justification” in the fourth paragraph by “prescription”.

5. Section 74.4 is revoked.

6. Section 86.1 is amended by replacing “to 74.4” by “and 74.3”.

7. Section 86.2 is amended in the first paragraph

(1) by inserting “the name, address and telephone number of the farmer and, for each activity related to the performance of work involving the use of a pesticide,” after “containing” in the portion before subparagraph 1;

(2) by striking out subparagraphs 1, 3, 6 and 7;

(3) by striking out “and the name of its active ingredients” in subparagraph 8;

(4) by replacing subparagraph 11 by the following:

“(11) if the pesticide used is referred to in section 74.1, the number of the agronomic prescription obtained.”.

8. Section 86.4 is amended

(1) by replacing paragraph 2 by the following:

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

(2) by striking out “or the second paragraph of section 74.4” in paragraph 4;

(3) by striking out paragraph 5.

9. Section 86.6 is amended by striking out “agronomic justification or” and “or third” in paragraph 2.

10. Section 86.9 is amended

(1) by replacing paragraph 6 by the following:

“(6) fails to comply with a condition for the application of a pesticide prescribed by section 33, section 48.3 or the first paragraph of section 74.3;”;

(2) by striking out paragraphs 8 and 9;

(3) by replacing “justification” in paragraph 11 by “prescription”;

(4) by striking out paragraph 12.

11. Section 87 is amended

(1) by replacing paragraph 2 by the following:

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

(2) by striking out “or the second paragraph of section 74.4” in paragraph 4;

(3) by striking out paragraph 5.

12. Section 87.2 is amended by striking out “agronomic justification or” and “or third” in paragraph 2.

13. Section 87.5 is amended

(1) by replacing “, the first paragraph of section 74.3 or the first or third paragraph of section 74.4” in paragraph 6 by “or the first paragraph of section 74.3”;

(2) by striking out paragraphs 8 and 9;

(3) by replacing “justification” in paragraph 11 by “prescription”;

(4) by striking out paragraph 12.

14. Section 88.1 is amended

(1) by replacing “justification” in subparagraph 1 of the first paragraph by “prescription”;

(2) by replacing “justification” wherever it appears in the second paragraph by “prescription”;

(3) by striking out the third paragraph.

15. 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 Regulation respecting permits and certificates for the sale and use of pesticides

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

1. The Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2) is amended in section 36

(1) by inserting the following after paragraph 3:

“(4) a Subclass E4 “Farmer’s Certificate for Sowing Pesticide Coated Seeds” authorizes the holder to perform, using an application method other than by aircraft, work involving the use of a Class 3A or Class 3B pesticide and to supervise that work at the places where it is performed;”;

(2) by inserting “Farmer’s” before “Certificate” in paragraph 5.

2. Section 44 is amended

(1) in paragraph 3

(a) by replacing “74.2 or, where applicable, section 74.4 of the Pesticides Management Code (chapter P-9.3, r. 1)” in the portion before subparagraph *a* by “74.1 of the Pesticides Management Code (chapter P-9.3, r. 1), amended by section 2 of the Regulation to amend the Pesticides Management Code, published as a draft in Part 2 of the *Gazette officielle du Québec* of 13 November 2024”;

(b) by replacing “or E2” in subparagraph *b* by “, E2 or E4”;

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

(a) by inserting “Class 1 to Class 3” before “pesticide”;

(b) by replacing 74.2 or, where applicable, section 74.4 of the Pesticides Management Code” by “74.1 of the Pesticides Management Code, amended by section 2 of the Regulation to amend the Pesticides Management Code, published as a draft in Part 2 of the *Gazette officielle du Québec* of 13 November 2024”;

(3) by inserting “Class 1 to Class 3” before “pesticide containing” in paragraph 5;

(4) by replacing “or E2” in subparagraph *b* of paragraph 8 by “, E2 or E4”.

3. Section 48 is amended by striking out “the number of the agronomic justification indicated in the agronomic prescription or, where applicable,” in subparagraphs 9 and 10 of the second paragraph.

4. Section 50 is amended by striking out “the number of the agronomic justification indicated in the agronomic prescription or, where applicable,” in subparagraph 12 of the second paragraph.

5. Section 55.1 is amended by striking out “and the number of the agronomic justification indicated in the agronomic prescription or, where applicable” in subparagraph 6 of the third paragraph.

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

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