

## Draft Regulations

Pesticides Act  
(chapter P-9.3)

### Permits and certificates for the sale and use of pesticides Management 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 Regulation to amend the Pesticides Management Code prohibits the application, for agricultural purposes, of high-risk pesticides, namely, atrazine, chlorpyrifos and three neonicotinoids (clothianidin, imidacloprid and thiamethoxam), and the putting into ground of neonicotinoids coating the seeds of certain crops, except if they have been justified in advance by an agrologist. The draft Regulation provides that that requirement comes into force over a two-year period depending on the pesticide concerned. It proposes that those pesticides be applied in compliance with the conditions in the agronomic justification and provides for safe distances when putting into ground neonicotinoids coating the seeds of certain crops. It adds the obligation for farmers to update and keep a register of their use of pesticides. It also proposes to prohibit the sale to consumers of neonicotinoids intended to be applied on grass and commercial users will not be allowed to apply neonicotinoids on grass.

The draft Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides groups neonicotinoids coating the seeds of certain crops in a new class of pesticides and subjects it to the permits and certificates regime. The draft Regulation proposes adjustments to the various classes of permits and certificates and the requirement that retail sellers of the pesticides covered by an agronomic justification sell only to persons providing them with a prescription resulting from that justification and signed by an agrologist, and declare annually the sales of pesticides covered by an agronomic justification. The draft Regulation allows the free sale to consumers of biopesticides, lower-risk pesticides. The draft Regulation sets the date of coming into force of the new class of pesticide 6 months after the coming into force of the Regulation. Lastly, it provides for a gradual coming into force of the provisions relating to the obligation to provide an agronomic prescription.

The measures proposed will result in significant costs for all the farmers who wish to apply the pesticides covered by an agronomic justification and for pesticide sellers given the new administration requirements imposed.

Further information on the draft Regulations may be obtained by contacting Sylvain Dion, Director, Direction des matières dangereuses et des pesticides, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 9<sup>e</sup> étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3950, extension 4373; fax: 418 644-3386; email: sylvain.dion@mddelcc.gouv.qc.ca

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

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## Regulation to amend the Pesticides Management Code

Pesticides Act  
(chapter P-9.3, ss. 101, 105, 106, 107 and 109, pars. 8,  
12 and 13)

**1.** The Pesticides Management Code (chapter P-9.3, r. 1) is amended in section 1 by adding the following paragraph at the end:

“The expression “apply a pesticide” includes, for the purposes of this Code, the action of putting in the ground a pesticide coating a seed.”

**2.** Section 21 is amended

(1) by replacing “Centre Anti-Poison du Québec” in subparagraph 1 of the first paragraph by “Centre antipoison du Québec”;

(2) by replacing “the Canadian Transport Emergency Centre” in subparagraph 5 of the first paragraph by “Transport Canada’s Canadian Transport Emergency Centre”.

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

“It is also prohibited to sell or offer for sale Class 4 or Class 5 pesticides in a package containing more than one pesticide container, except if the pesticide is used as

- (1) insect attractant or repellent;
- (2) insecticide for the treatment of domestic animals;
- (3) insect or rodent bait trap;
- (4) repellent; or
- (5) larvicide controlling biting insects.

Packages must consist of containers all bearing the same pesticide registration number assigned under the Pest Control Products Act (S.C. 2002, c. 28) and the total volume or weight of all the containers must not exceed 1 L or 1 kg.”.

**4.** Section 27 is amended by inserting “Class 3A pesticides or” after “except in the case of”.

**5.** Section 32 is replaced by the following:

“**32.** Only biopesticides or pesticides containing any of the active ingredients listed in Schedule II may be applied inside or outside the following establishments:

- (1) childcare centres, day care centres and home childcare residences governed by the Educational Childcare Act (chapter S-4.1.1);
- (2) preschools, primary or secondary schools governed by the Education Act (chapter I-13.3), the Education Act for Cree, Inuit and Naskapi Native persons (chapter I-14) or the Act respecting private education (chapter E-9.1).

**32.1.** Despite section 32, a pesticide containing any of the following active ingredients may, on the conditions set hereafter, be applied inside or outside an establishment referred to in that section:

- (1) cyfluthrin to control or destroy flying insects, crawling insects, food insects or wood insects if the pesticide application
  - i. is carried out by the holder of a Subclass C5 permit; and
  - ii. is preceded by the application of a biopesticide or a pesticide containing an active ingredient listed in Schedule II, carried out at least 7 days before the application of a pesticide containing that active ingredient, in the case of crawling insects or wood insects;

(2) D-phenothrin or tetramethrin to destroy wasps’, hornets’ or bees’ nests if the pesticide application is carried out by the holder of a Subclass C5 permit;

(3) bromadiolone in combination with denatonium benzoate or bromethalin in combination with denatonium benzoate to control or destroy rodents if

- i. the pesticide is used in solid form in traps, stations or containers that prevent any contact with human beings and that are locked; and
- ii. the pesticide application is carried out by the holder of a Subclass C5 permit.

A pesticide to control the emerald ash borer may also be injected in the trees on the grounds of an establishment referred to in section 32 if

(1) the injection is carried out by the holder of a Subclass C4 permit and the holder of the permit takes the measures required to prevent any person from coming into contact with the injector; and

(2) the injection holes are sealed after the application.

The holder of a permit referred to in this section must, at least 24 hours before the application of a pesticide referred to in the first or the second paragraph, notify the administrator of the establishment in writing. The holder of the permit must state in the notice the name of the pesticide to be applied and the name of the active ingredients, the registration number assigned under the Pest Control Products Act (S.C. 2002, c. 28), the reasons justifying the application of the pesticide and the proposed date and time of the application.”.

**6.** Section 33 is replaced by the following:

“**33.** The application of a biopesticide or a pesticide referred to in section 32 or in subparagraph 1 or 2 of the first paragraph of section 32.1 must be carried out outside the establishment’s period of activities that take place inside or outside an establishment referred to in section 32.

The same applies for the injection of a pesticide referred to in the second paragraph of section 32.1 whose application period corresponds to the period during which the injector is in the tree.

Where the application of a biopesticide or a pesticide referred to in the first paragraph is carried out inside an establishment, the application must be followed by a period of at least 8 hours before the services or activities resume in the treated premises. If the pesticide applied contains cyfluthrin, that period must be at least 12 hours.”.

**7.** Section 34 is amended by striking out “and to a farmer or forest manager within the meaning of section 33 of that Act who uses Class 3 pesticides”.

**8.** Section 38 is amended by inserting “Class 1 to Class 3, Class 4 or Class 5” after “prepares or loads” in the first paragraph.

**9.** Section 49 is amended by replacing “50 to 74” by “50 to 74.3”.

**10.** Section 57 is amended by replacing “Centre Anti-Poison du Québec” in subparagraph viii of subparagraph 3 of the second paragraph by “Centre antipoison du Québec”.

**11.** Section 66 is revoked.

**12.** The following is inserted after section 74:

#### “6. Agricultural purposes

**74.1.** It is prohibited to apply, for agricultural purposes, Class 3A pesticides or Class 1 to Class 3 pesticides containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam unless an agronomic justification containing the following information has been obtained:

- (1) the number of the document;
- (2) the name, address, telephone number and, where applicable, email address of the farmer who intends to apply the pesticide;
- (3) where applicable, the name, address and telephone number of the owner of the parcel;
- (4) the name, address of the professional domicile and, where applicable, email address of the mandated agrologist and the agrologist’s member number in the Ordre des agronomes du Québec;
- (5) in the case of Class 1 to Class 3 pesticides, the crop to be treated;
- (6) the identification of the parcel in which the work is to be performed;
- (7) an evaluation of the phytosanitary problem;
- (8) the identification of the enemy of the crop involved;
- (9) an analysis of the various possible phytosanitary interventions, including alternative pest control available;
- (10) the treatment required;

(11) the reasons justifying the choice of the treatment;

(12) in the case of Class 1 to Class 3 pesticides, the name of the pesticide and the name of the active ingredients it contains, and in the case of Class 3A pesticides, the name of the active ingredients;

(13) the quantity of pesticide required or, in the case of Class 3A pesticides, the quantity of seeds required and the plant species concerned;

(14) the validity period of the justification;

(15) the signature of the agrologist and the date.

**74.2.** The pesticides referred to in section 74.1 must be applied in compliance with the conditions listed in the agronomic justification.

The justification is valid only for the period indicated in the justification, which must not exceed 1 year, and must not concern more than one harvest.

In addition, the farmer must keep the agronomic justification for a period of 5 years following the date of its signature by the agrologist. The farmer must send a copy to every person authorized by the Minister who so requests.

**74.3.** The farmer who carries out, for agricultural purposes, work involving the application of Class 1 to Class 3A pesticides must keep a register containing

- (1) the name, address, telephone number and, where applicable, email address of the farmer and those of the owner of the premises, if applicable;
- (2) the date on which the work was performed;
- (3) the reasons justifying the work;
- (4) the name of the certificate holder who carried out or supervised the work and the certificate number;
- (5) the identification of the parcel or the building where the work was carried out;
- (6) the crop and area treated, in hectare or square meters;
- (7) the name and class of pesticides used and, in the case of Class 3A pesticides, the name of their active ingredients;
- (8) the quantity of pesticide used or, in the case of Class 3A pesticides, the quantity of seeds and the plant species concerned;

(9) in the case of Class 1 to Class 3 pesticides, the registration number assigned to the pesticides under the Pest Control Products Act (S.C. 2002, c. 28); and

(10) if the pesticide used is referred to in section 74.1, the number of the agronomic justification obtained, the name of the agrologist who signed it and the agrologist's member number in the Ordre des agronomes du Québec.

The farmer must keep the register referred to in the first paragraph for a period of 5 years following the date of the last entry.”.

**13.** Section 86 is amended

(1) by replacing the words “or protected immovable” wherever they appear in the first paragraph by “, protected immovable or bicycle path”;

(2) by inserting “or bicycle path” after “protected immovable” in the third paragraph.

**14.** The following is added after section 86:

“**86.1.** It is prohibited to apply, for agricultural purposes, Class 1 to Class 3 pesticides containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam unless an agronomic justification containing the information provided for in paragraphs 1 to 15 of section 74.1 has been obtained.

In those cases, sections 74.2 and 74.3 apply, with the necessary modifications.”.

**15.** Section 87 is replaced by the following:

“**87.** Every person who commits an offence under sections 5, 6, 8 to 33, 35 to 40, 42 to 48, 50 to 53, 55 to 74.3, 76 to 78 and 80 to 86.1 is liable to the penalties prescribed by section 118 of the Pesticides Act (chapter P-9.3).”.

**16.** Schedule I is amended by inserting “Clothianidin” after “Carbaryl” and “Imidacloprid” after “Dicofol” under “**Insecticides**”.

**17.** This Regulation comes into force on *(insert the fifteenth day following the date of its publication in the Gazette officielle du Québec)*, except

(1) section 16, which comes into force on *(insert the date occurring 1 year after the date of coming into force of this Regulation)*;

(2) the provisions relating to the agronomic justification comprised in sections 74.1 to 74.3, introduced by section 12 of this Regulation, which come into force, depending on the pesticide concerned, on the following dates:

Date	Pesticides
<i>(insert the date of coming into force of this Regulation)</i>	Class 1 to Class 3 pesticides containing atrazine
1 September 2018	Class 3A pesticides
1 April 2019	Class 1 to Class 3 pesticides containing chlorpyrifos, clothianidin, imidacloprid or thiamethoxam.

## 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, pars. 1, 3, 4, 8, 10, 11, 12 and 13)

**1.** The Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2) is amended by inserting the following after section 1:

“**1.1.** For the purposes of this Regulation, the putting in the ground of a pesticide is considered to be the application of a pesticide.”.

**2.** The following is inserted after section 5:

“**5.1.** Every pesticide that coats a seed of oats, wheat, canola, grain corn, forage corn, sweet corn, barley or soybean and that is constituted of a mixture that contains one or more of the following active ingredients is included in Class 3A:

- (1) clothianidin;
- (2) imidacloprid;
- (3) thiamethoxam.”.

**3.** Section 7 is amended

(1) by adding the following at the end of subparagraph 2 of the first paragraph:

“(z) metofluthrin;

(aa) imiprothrin;

(bb) prallethrin;

(cc) cyfluthrin;

(dd) momfluorothrin;

(ee) biopesticides;”;

(2) by adding the following at the end of subparagraph 3 of the first paragraph:

“(d) biopesticides.”;

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

“Despite subparagraphs *o*, *p* and *ee* of subparagraph 2 of the first paragraph, a mixture requiring no preparation or dilution containing exclusively diatomaceous earth, soap or biopesticides may be marketed in a volume or weight greater than 1 litre or 1 kg.”.

**4.** Sections 12 and 13 are replaced by the following:

**12.** A Class A “Wholesale Permit” covers the sales activities for the purposes of resale of Class 1 to Class 5 pesticides.

**13.** A Class B “Retail Permit” covers sales activities for the purposes of use of Class 1 to Class 4 pesticides included in the following subclasses:

(1) Subclass B1 “Retail Sale of Class 1 to Class 3A Pesticides” covers sales activities involving Class 1 to Class 3A pesticides;

(2) Subclass B2 “Retail Sale of Class 4 Pesticides” covers sales activities involving Class 4 pesticides.”.

**5.** Section 14 is amended

(1) by replacing “Class 1 to Class 4” in subparagraphs 1 to 5, 7, 9 and 10 of the first paragraph by “Class 1 to Class 3 and Class 4”;

(2) by inserting “sulfuryl fluoride,” after “carbon dioxide” in subparagraph 6 of the first paragraph;

(3) by replacing “C8 «Application sur les terres cultivées» vise l’application d’un pesticide des classes 1 à 4, par un mode d’application autre qu’un aéronef, sur des terres cultivées” in subparagraph 8 of the first paragraph of the French text by “C8 «Application en terres cultivées» vise l’application d’un pesticide des classes 1 à 4, par un mode d’application autre qu’un aéronef, en terres cultivées”.

**6.** Section 15 is amended

(1) by replacing “D10” in the portion before paragraph 1 by “D11”;

(2) by inserting “sulfuryl fluoride,” after “carbon dioxide,” in paragraph 6.

**7.** Section 17 is amended

(1) by adding “and, where applicable, email address” at the end of subparagraph 1 of the second paragraph;

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

“A request for a duplicate of a permit must be made on the form provided by the Minister and must include the information provided for in subparagraphs 1 to 3 of the second paragraph and the reason for the request.”.

**8.** Sections 34 and 34.1 are replaced by the following:

**34.** A Class A “Certificate for the Wholesale of Pesticides” covers

(1) sales activities for the purposes of resale of Class 1 to Class 5 pesticides; and

(2) the supervision of those activities at the places where they are performed.

**34.1.** A Class B “Certificate for the Retail Sale of Pesticides” covers sales activities for the purposes of use of Class 1 to Class 4 pesticides included in the following subclasses:

(1) Subclass B1 “Retail Sale of Class 1 to Class 3A Pesticides” covers the sales activities involving Class 1 to Class 3A pesticides and the supervision of those activities at the places where they are performed;

(2) Subclass B2 “Retail Sale of Class 4 Pesticides” covers the sales activities involving Class 4 pesticides and the supervision of those activities at the places where they are performed.”.

**9.** Section 35 is amended

(1) by replacing “Class 1 to Class 4” in paragraphs 1 to 5, 7, 9 and 10 by “Class 1 to Class 3 and Class 4”;

(2) by replacing “sur les terres cultivées” in paragraph 8 of the French text by “en terres cultivées”;

(3) by striking out “, in respect of a Class 1 to Class 4 pesticide,” and “, in respect of a Class 1 to Class 3 pesticide,” in paragraph 11.

**10.** Section 36 is amended

(1) by replacing “Class 1 to Class 3” in the portion preceding paragraph 1 by “Class 1 to Class 3A”;

(2) by replacing “Class 1 or Class 2” in subparagraph *a* of paragraph 1 by “Class 1 to Class 3A”;

(3) by striking out paragraph 1.1;

(4) by replacing “Class 1 to Class 3” in subparagraph *a* of paragraph 2 by “Class 1 to Class 3A”;

(5) by inserting “sulfuryl fluoride” after “carbon dioxide” in paragraph 5.

**11.** Section 38 is amended

(1) by adding “and, where applicable, email address” at the end of subparagraph 1 of the second paragraph;

(2) by striking out “E1.1,” in the fourth paragraph;

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

“A request for a duplicate of a certificate must be made on the form provided by the Minister and must include the information provided for in subparagraph 1 of the second paragraph and the reason for the request.”.

**12.** The heading of Division V is replaced by “CONDITIONS FOR PERFORMING ACTIVITIES AUTHORIZED UNDER PERMITS AND CERTIFICATES”.

**13.** The following is inserted after the heading of Division V:

“§1. *Restrictions on the sale of certain pesticides*”.

**14.** Sections 43 to 46 are replaced by the following:

“**43.** The holder of a permit or certificate for wholesale may offer to sell, sell or cause to be sold

(1) a Class 1 to Class 3A pesticide only to a person holding a Subclass B1 wholesale or retail sale permit;

(2) a Class 4 pesticide only to a person holding a Subclass B2 wholesale or retail sale permit;

(3) a Class 5 pesticide only to a person holding a wholesale or retail sale permit or to a person who sells retail such a pesticide; and

(4) a pesticide that is a topical medication intended for animals to a person who sells retail such a pesticide.

**44.** The holder of a Subclass B1 retail sale permit or certificate may offer to sell, sell or cause to be sold

(1) a Class 1 pesticide only to a person holding a certificate of authorization issued under section 22 of the Environment Quality Act (chapter Q-2);

(2) a pesticide constituted in whole or in part of methyl bromide, carbon dioxide, sulfuryl fluoride, ethylene oxide, phosphine, aluminum phosphide or magnesium phosphide only to a person holding a Subclass C6 or D6 permit or a Subclass E5 certificate;

(3) a Class 3A pesticide only to a person who meets either of the following conditions and who provides an agronomic prescription that meets the requirements of section 45:

(a) the person holds a Subclass C8 permit;

(b) the person is exempt, under section 35 of the Pesticides Act (chapter P-9.3), from the requirement to hold such a permit, but the person is the holder of a Subclass E1 or E2 certificate authorizing the person to apply the pesticide or the person employs a person holding such a certificate; and

(4) a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam only to a person who meets either of the following conditions and who provides an agronomic prescription that meets the requirements of section 45:

(a) the person holds a Subclass C1, C8 or D1 permit;

(b) the person is exempt, under section 35 of the Pesticides Act (chapter P-9.3), from the requirement to hold such a permit, but holds a Subclass E1 or E2 certificate authorizing the person to apply the pesticide or the person employs a person holding such a certificate;

(5) a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam only to a person who meets either of the following conditions:

(a) the person holds a permit authorizing the person to cause to be performed work involving the use of such a pesticide other than a Subclass C1, C8 or D1 permit;

(b) the person is exempt, under section 35 of the Pesticides Act (chapter P-9.3), from the requirement to hold such a permit, but holds a Subclass E3 or E5 or a Class F certificate authorizing the person to apply the pesticide or the person employs a person holding such a certificate; and

(6) Class 2 to Class 3 pesticides other than those listed in paragraphs 2 and 4 only to a person who meets any of the following conditions:

(a) the person holds a permit authorizing the person to cause to be performed the work involving the use of such a pesticide;

(b) the person is exempt, under section 35 of the Pesticides Act (chapter P-9.3), from the requirement to hold such a permit, but the person is the holder of a Class E or F certificate authorizing the person to apply the pesticide or the person employs a person holding such a certificate.

**45.** The agronomic prescription referred to in paragraphs 3 and 4 of section 44 must be signed by the agrologist who prepares the agronomic justification referred to in sections 74.1 and 86.1 of the Pesticides Management Code (chapter P-9.3, r. 1).

In addition, the prescription must be dated and must indicate the following information contained in the agronomic justification:

(1) the number and validity period of the agronomic justification;

(2) the name, address and telephone number of the farmer;

(3) the name and address of the professional domicile of the agrologist who signed it and the agrologist's member number in the Ordre des agronomes du Québec;

(4) in the case of a Class 1 to Class 3 pesticide, the name of the pesticide and the name of its active ingredients and, in the case of a Class 3A pesticide, the name of its active ingredients;

(5) the quantity of pesticide required or, in the case of a Class 3A pesticide, the quantity of seeds required and the plant species concerned.

**46.** The holder of a Subclass B2 retail sale permit or certificate may offer for sale, sell or cause to be sold a Class 4 pesticide only to a legal person or a natural person 16 years of age or over.”

**15.** Division VI is replaced by the following subdivision:

“§2. *Registers*”.

**16.** Sections 47 to 55 are replaced by the following:

“**47.** A holder of a Class A permit must keep a register of purchases, as well as a register of sales.

The registers must indicate the name, address, telephone number and permit number of the holder and, where applicable, email address and the name and address of the establishment involved. For each purchase or sale of pesticide, the registers must also indicate

(1) the date of the purchase or sale, as the case may be;

(2) in the case of a purchase, the name and address of the supplier and, where applicable, the permit number of the supplier;

(3) in the case of a sale, the name, address and, where applicable, the permit number of the customer;

(4) the name and class of the pesticide purchased or sold and, in the case of a Class 3A pesticide, the name and concentration of its active ingredients;

(5) in the case of a Class 1 to Class 3, a Class 4 and a Class 5 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;

(6) in the case of a Class 1 to Class 3, a Class 4 and a Class 5 pesticide, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and

(7) the quantity of pesticide purchased or sold or, in the case of a Class 3A pesticide, the quantity of seeds purchased or sold and the plant species concerned.

**48.** A holder of a Subclass B1 permit must keep a register of purchases and a register of sales.

The registers must indicate the name, address, telephone number and permit number of the holder, and, where applicable, email address and the name and address of the establishment involved. For each purchase or sale of pesticide, the registers must also indicate

- (1) the date of purchase or sale, as the case may be;
- (2) in the case of a purchase, the name and address of the supplier and, where applicable, the supplier's permit number;
- (3) in the case of a sale, the name and address of the customer and
  - (a) the permit number if the customer is a permit holder;
  - (b) the certificate number if the customer is a certificate holder; or
  - (c) if, under section 35 of the Pesticides Act (chapter P-9.3), the customer is exempt from the requirement to hold a permit and does not hold a certificate, the certificate number of the customer's employee;

(4) the name and class of pesticide purchased or sold and, in the case of a Class 3A pesticide, the name and concentration of its active ingredients;

(5) in the case of a Class 1 to Class 3 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;

(6) in the case of a Class 1 to Class 3 pesticide, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28);

(7) the quantity of pesticide purchased or sold or, in the case of a Class 3A pesticide, the quantity of seeds purchased or sold and the plant species concerned;

(8) in the case of the sale of a Class 1 pesticide, the number of the certificate of authorization issued under section 22 of the Environment Quality Act (chapter Q 2);

(9) in the case of the sale of a Class 3A pesticide, the number of the agronomic justification indicated in the agronomic prescription provided by the customer, the name of the agrologist who signed the prescription and the agrologist's member number in the Ordre des agronomes du Québec; and

(10) in the case of the sale of a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam made under paragraph 4 of section 44, the number of the agronomic justification indicated in the agronomic prescription provided by the customer, the name of the agrologist who signed the prescription and the agrologist's member number in the Ordre des agronomes du Québec.

**49.** A holder of a Class C or Class D permit must keep a register of purchases.

The register must indicate the name, address, telephone number and permit number of the holder and, where applicable, email address and the name and address of the establishment involved. For each purchase, it must also indicate

- (1) the date of purchase;
- (2) the name, address and permit number of the supplier;
- (3) the name and class of the pesticide purchased and, in the case of a Class 3A pesticide, the name of its active ingredients;

(4) the quantity of pesticide purchased or, in the case of a Class 3A pesticide, the quantity of seeds purchased and the plant species concerned;

(5) in the case of a Class 1 to Class 3 pesticide, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and

(6) in the case of a Class 1 pesticide, the number of the certificate of authorization issued under section 22 of the Environment Quality Act (chapter Q 2).

**50.** A holder of a Class C permit must keep a pesticide use register.



The register must indicate the name, address, telephone number and permit number of the holder and, where applicable, email address and the name and address of the establishment involved. For each activity involving the use of a pesticide, the register must also indicate

- (1) the date on which the work was performed;
- (2) the name, address and telephone number of the customer;
- (3) the reasons justifying the work;
- (4) the name of the certificate holder who performed or supervised the work and the certificate number;
- (5) the nature of the work performed;
- (6) the place where the work was performed and, where applicable, the area, volume or quantity of the material treated;
- (7) in the case of an application by aircraft, the wind direction, the name of the pilot and the type and registration number of each aircraft used;
- (8) in the case of an application by fumigation by the holder of a Subclass C6 or D6 permit, the date and time of each gas content measurement taken during the ventilation period of the place fumigated and the concentration of gas then observed;
- (9) the name and class of the pesticide used and, in the case of a Class 3A pesticide, the name of its active ingredients;
- (10) in the case of a Class 1 to Class 3 and a Class 4 pesticide, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28);
- (11) the quantity of pesticide used or, in the case of a Class 3A pesticide, the quantity of seeds used and the plant species concerned; and
- (12) in the case of a Class 3A pesticide and, where applicable, a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam, the number of the agronomic justification indicated in the agronomic prescription provided by the customer, the name of the agrologist who signed the prescription and the agrologist's member number in the Ordre des agronomes du Québec.

Each entry of work in the register must be signed by the certificate holder who performed or supervised the work.

**51.** A holder of a Class D permit must keep a pesticide use register.

The register must indicate the name, address, telephone number and permit number of the holder and, where applicable, email address. For each activity involving the use of a pesticide, the register must also indicate the information referred to in subparagraphs 1 and 3 to 12 of the second paragraph of section 50.

**52.** A register referred to in sections 47 to 51 must be kept for a period of 5 years as of the date of the last entry.

Vouchers related to each entry in the register must be kept for the same period as of the date mentioned therein.

**53.** A holder of a Subclass C1 or D1 permit must, for the work performed, delimit on a map the locations treated and the take-off sites of the aircraft used.

Each map must be kept for a period of 5 years as of the date on which the work is performed.

### §3. *Declarations*

**54.** A holder of a Class A permit must, not later than 31 January of each year, declare to the Minister the sales of pesticide, except a pesticide purchased from the holder of a Class A permit, made in the preceding year.

The declaration must indicate

- (1) the name, address, telephone number and permit number of the holder and, where applicable, email address; and
- (2) the name and telephone number of the person who completed the declaration.

The declaration must also indicate

- (1) the name and class of each pesticide sold and, in the case of a Class 3A pesticide, the name and concentration of its active ingredients;
- (2) in the case of a Class 1 to Class 3, a Class 4 and a Class 5 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;
- (3) in the case of a Class 1 to 3, a Class 4 and a Class 5 pesticide, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and

(4) the quantity of pesticide sold or, in the case of a Class 3A pesticide, the quantity of seeds sold and the plant species concerned.

The declaration must be sent to the Minister.

This section applies where no pesticide has been sold, except subparagraphs 1 to 3 of the third paragraph.

The permit holder must certify the accuracy of the information contained in the declaration.

**55.** A holder of a Class B1 permit must, not later than 31 January of each year, declare to the Minister purchases of pesticide, except a pesticide purchased from a holder of a Class A permit, made in the preceding year.

The declaration must indicate

(1) the name, address, telephone number and permit number of the holder and, where applicable, email address; and

(2) the name and telephone number of the person who completed the declaration.

The declaration must also indicate

(1) the name and class of each pesticide purchased and, in the case of a Class 3A pesticide, the name and concentration of its active ingredients;

(2) in the case of a Class 1 to Class 3 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;

(3) in the case of a Class 1 to Class 3 pesticide, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and

(4) the quantity of pesticide purchased or, in the case of a Class 3A pesticide, the quantity of seeds purchased and the plant species concerned.

The declaration must be sent to the Minister.

This section applies where no pesticide has been purchased, except subparagraphs 1 to 3 of the third paragraph.

The permit holder must certify the accuracy of the information contained in the declaration.

**55.1.** A holder of a Class B1 permit must, not later than 31 January of each year, declare to the Minister the sales 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.

The declaration must indicate

(1) the name, address, telephone number and permit number of the holder and, where applicable, email address; and

(2) the name and telephone number of the person who completed the declaration.

For each sale, the declaration must also indicate

(1) the name and class of the pesticide sold or, in the case of a Class 3A pesticide, the name and concentration of its active ingredients;

(2) in the case of a Class 1 to 3 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;

(3) in the case of a Class 1 to Class 3 pesticide, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28);

(4) the quantity of pesticide sold and, in the case of a Class 3A pesticide, the quantity of seeds sold and the plant species concerned; and

(5) the name of the agrologist who signed the agronomic prescription and the number of the agronomic justification indicated in the agronomic prescription and the agrologist's member number in the Ordre des agronomes du Québec.

The declaration must be sent to the Minister.

This section applies where no pesticide has been sold, except subparagraphs 1 to 3 and 5 of the third paragraph.

The permit holder must certify the accuracy of the information contained in the declaration.”

**17.** Division VII is replaced by “DIVISION VI OFFENCES”.

**18.** Section 56 is replaced by the following:

“**56.** Any contravention of sections 43 to 55.1 constitutes an offence.”

**19.** 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 3A pesticide on (*insert the date occurring 6 months after the date of coming into force of this Regulation*).

**20.** A Class A permit and Class A and Subclass E2 certificates issued before (*insert the date occurring 6 months after the date of coming into force of this Regulation*) include the Class 3A pesticide as of that date, with no further formality.

**21.** Subclass B1 and Subclass C8 permits and Subclass B1, Subclass CD8 and Subclass E1 certificates issued between (*insert the date of coming into force of this Regulation*) and (*insert the date occurring 6 months after the date of coming into force of this Regulation*) include the Class 3A pesticide as of (*insert the date occurring 6 months after the date of coming into force of this Regulation*), with no further formality.

**22.** A Subclass B1 “Retail Sale of Class 1 to Class 3 Pesticides” permit issued before (*insert the date of coming into force of this Regulation*) corresponds as of that date to a Subclass B1 “Retail Sale of Class 1 to Class 3A Pesticides” permit and includes the Class 3A pesticide as of (*insert the date occurring 6 months after the date of coming into force of this Regulation*), with no further formality.

**23.** A Subclass C6 permit and a Subclass D6 permit issued before (*insert the date of coming into force of this Regulation*) include sulfuric fluoride as of that date, with no further formality.

**24.** A Subclass C8 “Application on Cultivated Land” permit issued before (*insert the date of coming into force of this Regulation*) corresponds as of that date to the Subclass C8 “Application on Cultivated Land” permit and includes the Class 3A pesticide as of (*insert the date occurring 6 months after the date of coming into force of this Regulation*), with no further formality.

**25.** A Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3 Pesticides” issued before (*insert the date of coming into force of this Regulation*) corresponds as of that date to the Subclass B1 “Retail Sale of Class 1 to Class 3A Pesticides” certificate and includes the Class 3A pesticide as of (*insert the date occurring 6 months after the date of coming into force of this Regulation*), with no further formality.

**26.** A Subclass CD8 “Certificate for Application on Cultivated Land” issued before (*insert the date of coming into force of this Regulation*) corresponds as of that date to the Subclass CD8 “Certificate for Application on Cultivated Land” and includes the Class 3A pesticide as of (*insert the date occurring 6 months after the date of coming into force of this Regulation*), with no further formality.

**27.** A Subclass E1 certificate issued before (*insert the date of coming into force of this Regulation*) includes as of that date the Class 3 pesticide and the Class 3A pesticide as of (*insert the date occurring 6 months after the date of coming into force of this Regulation*), with no further formality.

**28.** A Subclass E1.1 “Farm Producer’s Certificate for the Application of Class 3 Pesticides” issued before (*insert the date of coming into force of this Regulation*) corresponds as of that date to the Subclass E1 “Farm Producer’s Certificate” and includes the Class 1 and Class 2 pesticides as of (*insert the date of coming into force of this Regulation*) and the Class 3A pesticide as of (*insert the date occurring 6 months after the date of coming into force of this Regulation*), with no further formality.

**29.** A Subclass E5 certificate issued before (*insert the date of coming into force of this Regulation*) includes sulfuric fluoride as of that date, with no further formality.

**30.** This Regulation comes into force on (*insert the fifteenth day following the date of its publication in the Gazette officielle du Québec*), except

(1) section 2 of this Regulation, which comes into force on (*insert the date occurring 6 months after the date of coming into force of this Regulation*);

(2) the provisions related to the requirement to provide an agronomic prescription, which come into force, depending on the pesticide concerned, on the following dates:

Date	Pesticides
( <i>insert the date of coming into force of this Regulation</i> )	Class 1 to Class 3 pesticides containing atrazine
1 September 2018	Class 3A pesticides
1 April 2019	Class 1 to Class 3 pesticides containing chlorpyrifos, clothianidin, imidacloprid or thiamethoxam.

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