

chapter P-9.3, r. 1

Pesticides Management Code

Pesticides Act
(chapter P-9.3, ss. 101, 104, 105, 105.1, 106, 107 and 109).

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CHAPTER I**GENERAL**

O.C. 331-2003, c. I; O.C. 990-2023, s. 1.

1. In this Code,

“administrative region” means any region established by the Décret concernant la révision des limites des régions administratives du Québec (chapter D-11, r. 1); (*région administrative*)

“containment works” means a floor, a platform or a watertight basin, built so as to contain and allow for the complete recovery of any pesticide leak or spillage; (*aménagement de rétention*)

“label” means the label governed by the Pest Control Products Act (S.C. 2002, c. 28) and the regulations thereunder; (*étiquette*)

“protected immovable” means

(1) a built-up lot situated within a built-up area determined by a land use planning and development plan or a metropolitan land use and development plan, except a lot zoned by municipal authorities for industrial purposes;

(2) any of the following buildings situated outside a built-up area, including the 30 m strip around such a building that belongs to the owner of the building:

(a) a residential dwelling, except if it is located in a forest area and used from time to time;

(b) a building used or intended to be used to shelter or receive persons or animals, or any other administrative or commercial building;

(c) an establishment in which at least one accommodation unit is offered for rent to tourists, in return for payment, for a period not exceeding 31 days, and the availability of the unit is made public by the use of any media; and

(3) the land on which the following are situated:

(a) a recreation, sports or cultural centre;

(b) an outdoor recreation centre or a nature interpretation centre;

(c) an establishment that offers ready-to-camp units or campsites, constituted of fixed locations for tents or motorized or non-motorized recreational vehicles, including services;

(d) a municipal park or a public beach;

(e) a golf club;

(f) an ecological reserve established under the Natural Heritage Conservation Act (chapter C-61.01); and

(g) a park established under the Parks Act (chapter P-9) or under the Canada National Parks Act (S.C. 2000, c. 32). (*immeuble protégé*)

O.C. 331-2003, s. 1; O.C. 319-2006, s. 1; O.C. 70-2018, s. 1; O.C. 1596-2021, s. 93; O.C. 990-2023, s. 2.

1.1. Unless otherwise provided for, for the purposes of this Code,

(1) the terms “boundary”, “watercourse”, “boundary of the littoral zone”, “littoral zone”, “swamp”, “wetland”, “riverbank or lakeshore”, “peatland”, “forested peatland”, “flood zone”, “low-velocity flood zone” and “high-velocity flood zone” have the meaning assigned by the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1);

(2) the term “ditch” has the meaning assigned by the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(3) a reference to a “wetland” excludes a peat bog being harvested;

(4) the term “apply a pesticide” includes, in particular, the action of putting a pesticide into or onto the soil;

(5) a distance is calculated horizontally

(a) from the boundary of the littoral zone, for a watercourse or lake;

(b) from the boundary, for a wetland; and

(c) from the top of the embankment, for a ditch;

(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.

For the purposes of subparagraph 5 of the first paragraph, if there is an embankment, the distance must include a width of at least 1 m from the top of the embankment.

O.C. 1596-2021, s. 94; O.C. 990-2023, s. 3; I.N. 2024-08-01.

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

O.C. 990-2023, s. 4.

2. References to a class of pesticides, a class or subclass of permits or certificates are references to the classes of pesticides, classes and subclasses of permits and certificates established by the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2).

O.C. 331-2003, s. 2.

3. This Code applies in a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

O.C. 331-2003, s. 3.

4. This Code applies to pesticides referred to in the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2), except pesticides referred to in section 9 of that Regulation. Notwithstanding the preceding, only sections 25, 26, 29 to 33, 35, 38, 48.3, 48.4, 50, 59, 60, 68, 76, 80, 86 and 86.3 of this Code apply to Class 5 pesticides referred to in that Regulation.

This Regulation does not apply to activities carried out in

(1) the following man-made works:

(a) an irrigation pond;

(b) a water management or treatment facility referred to in the subparagraph 3 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2);

(c) a body of water containing water pumped from a sand pit or quarry, if it has not been restored;

(d) a commercial fishing pond;

(e) a pond for the production of aquatic organisms;

(f) a basin reserved for firefighting purposes;

(g) a basin with no outlet; or

(2) a wetland in which the vegetation is dominated by reed phalaris (*Phalaris arundinacea L.*) or the introduced sub-species of common water reed (*Phragmites australis (Cav.) Trin. ex Steud. subsp. australis*), and when the soil is not hydromorphic.

For the purposes of subparagraph 1 of the second paragraph,

(1) a site must be situated on land or in a flood zone, excluding the littoral zone, lakeshores and riverbanks, and any wetlands present;

(2) with the exception of subparagraph g, a site must be in use or, if not in use, must have been unused for at least 10 years;

(3) an environment restored or created by work under a program to promote the restoration and creation of wetlands and bodies of water developed pursuant to the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or in accordance with the Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) cannot be deemed to be a man-made work; and

(4) a wetland or body of water into which storm water is discharged cannot be deemed to be a water management or treatment facility.

O.C. 331-2003, s. 4; O.C. 1596-2021, s. 95; O.C. 990-2023, s. 5.

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 when they are available on the website of the Minister's department.

O.C. 990-2023, s. 6.

CHAPTER II

STORAGE

DIVISION I

GENERAL

5. Every pesticide must be stored in premises where the ambient conditions, in particular temperature, humidity and precipitation, are not likely to alter the pesticide, its container or label. It must also be stored in such manner that its content is not released into the environment.

That requirement does not apply to a Class 4 pesticide stored for personal use or for another person free of charge.

O.C. 331-2003, s. 5.

6. A person who stores unprepared or undiluted pesticides in quantities equal to or greater than 1,000 litres or 1,000 kg must immediately notify Urgence-Environnement under the authority of the Minister of Sustainable Development, Environment and Parks in the case of fire on the storage premises, and specify at that time the nature of the stored pesticides and the approximate quantity stored on the premises.

O.C. 331-2003, s. 6; O.C. 990-2023, s. 7.

DIVISION II

STORAGE IN A TANK OR MOBILE TANK

7. In this Division, “mobile tank” means a tank with a capacity of 1,000 litres or more that is used to store liquid pesticides, that can be attached to a truck, trailer or semi-trailer and that can be moved.

“Tank” means, except for the purposes of section 8, a tank with a capacity of 1,000 litres or more, permanently installed and used for the storage of liquid pesticides.

O.C. 331-2003, s. 7.

8. It is prohibited to bury a pesticide tank.

O.C. 331-2003, s. 8.

9. A tank and mobile tank must be kept closed outside of loading and unloading periods in order to prevent any pesticide discharge.

O.C. 331-2003, s. 9.

10. A tank must be installed in a containment works and be protected from vehicle impact by barriers.

The containment works must be able to contain at least 110% of the capacity of the largest tank in the same containment works.

O.C. 331-2003, s. 10.

11. A mobile tank in storage premises must be placed in a containment works except if the mobile tank contains pesticides that have been prepared or diluted.

The containment works must be able to contain at least 110% of the capacity of the largest stationary mobile tank in the same containment works.

O.C. 331-2003, s. 11.

12. The loading or unloading of unprepared or undiluted pesticides into or from a tank or a mobile tank must take place in a containment works.

An aircraft need not be placed in a containment works for loading or unloading.

O.C. 331-2003, s. 12.

13. Pesticide or rainwater that has accumulated in a containment works must be removed immediately after a pesticide leak or release or after the precipitation ceases.

O.C. 331-2003, s. 13.

14. A person who stores pesticides in a tank, mobile tank or tank car must control the use of the loading and unloading pipes by means of a safety device that prevents their use outside loading and unloading periods.

O.C. 331-2003, s. 14.

DIVISION III

STORAGE OF CERTAIN PESTICIDES

15. It is prohibited to store Class 1, Class 2 or Class 3 pesticides

- (1) in the littoral zone of a lake or watercourse, in a wetland, or in the 30 m strip along or around them;
- (2) less than 100 m from a category 1 or category 2 water withdrawal site within the meaning of paragraphs 1 and 2 of section 51 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) or from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water (chapter P-29, r. 2);
- (3) less than 30 m from a category 3 water withdrawal site within the meaning of paragraph 3 of section 51 of the Water Withdrawal and Protection Regulation or from any other groundwater withdrawal site.

Those prohibitions do not apply to operators of a storage site holding a certificate of conformity issued by CropLife Canada before 3 April 2003; the authorized storage site is restricted, in that case, to the storage site certified by CropLife Canada and existing on that date.

O.C. 331-2003, s. 15; O.C. 703-2014, s. 1; O.C. 1596-2021, s. 96.

16. It is prohibited to store Class 1, Class 2 or Class 3 pesticides in a high-velocity flood zone.

That prohibition does not apply to operators of a storage site holding a certificate of conformity issued by CropLife Canada before 3 April 2003; the authorized storage site is restricted, in that case, to the storage site certified by CropLife Canada and existing on that date.

O.C. 331-2003, s. 16; O.C. 1596-2021, s. 97.

17. It is prohibited to store Class 1, Class 2 or Class 3 pesticides in a low-velocity flood zone.

That prohibition does not apply where

- (1) the quantity of stored pesticides is less than 100 litres or 100 kg;
- (2) the quantity of stored pesticides is equal to or greater than 100 litres or 100 kg and the storage time is less than 15 consecutive days;
- (3) the pesticides are stored above the 100 year flood recurrence level;
- (4) holders of Subclass C1, C7, D1 or D7 permits store the pesticides for a period of less than 60 consecutive days between 1 June and 28 February; or
- (5) the operators of the storage site hold a certificate of conformity issued by CropLife Canada before 3 April 2003; the authorized storage site is restricted, in that case, to the storage site certified by CropLife Canada and existing on that date.

O.C. 331-2003, s. 17; O.C. 1596-2021, s. 98.

18. Holders of a Class A or Subclass B1, C4, C5 or D4 permit who store unprepared or undiluted Class 1, Class 2 or Class 3 pesticides must store them in premises having a containment works. The same applies to any person who stores a quantity equal to or greater than 100 litres or 100 kg of unprepared or undiluted Class 1, Class 2 or Class 3 pesticides for a period longer than 15 consecutive days.

O.C. 331-2003, s. 18.

19. A person who, as part of an activity described in permit Class A or permit Subclass B1, loads or unloads pesticides in storage premises must do so in a containment works.

O.C. 331-2003, s. 19; O.C. 990-2023, s. 9.

20. A person who stores Class 1, Class 2 or Class 3 pesticides must have on the premises adequate equipment and material capable of stopping any leak or release of pesticides and, if required, of cleaning the premises.

In the event of a leak or release of pesticides, the person must immediately take measures to stop the leak or release and clean the premises.

O.C. 331-2003, s. 20.

21. A person who stores Class 1, Class 2, Class 3 or Class 4 pesticides must post in a conspicuous place near the entrance to the premises a sign indicating the following services and their telephone numbers:

- (1) the Centre Anti-Poison du Québec;
- (2) the municipality's police and fire services;
- (3) Urgence-Environnement Québec;
- (4) the regional office of the Ministère du Développement durable, de l'Environnement et des Parcs; and
- (5) Transport Canada's Canadian Transport Emergency Centre.

That requirement does not apply to the storage of Class 4 pesticides for personal use or for another person free of charge.

O.C. 331-2003, s. 21; O.C. 70-2018, s. 2.

22. A person is exempted for a period of 2 years as of 3 April 2003

(1) from the prohibition set out in the first paragraph of section 15 where, on that date, the person stores Class 1, Class 2 or Class 3 pesticides in premises that do not meet the requirements of that provision; at the end of that period, the pesticides may be stored in the premises only if a containment works is present;

(2) from the prohibition set out in the first paragraph of section 16 where, on that date, the person stores Class 1, Class 2 or Class 3 pesticides in premises that do not meet the requirements of that provision; at the end of that period, the pesticides may be stored in the premises only if they are stored above the 100 year flood recurrence level; and

(3) from the prohibition set out in the first paragraph of section 17 where, on that date, the person stores Class 1, Class 2 or Class 3 pesticides within a flood plain referred to in that provision.

O.C. 331-2003, s. 22; O.C. 1596-2021, s. 99.

DIVISION IV

CIVIL LIABILITY INSURANCE

23. A person who stores unprepared or undiluted pesticides to be sold or used during work for another person in premises having a pesticide storage capacity greater than 10,000 litres or 10,000 kg must maintain in force, for the entire duration of storage and for the minimum amounts appearing hereunder, 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:

- (1) \$750,000, where the storage capacity is less than 100,000 litres or 100,000 kg; or
- (2) \$1,000,000, where the storage capacity is equal to or greater than 100,000 litres or 100,000 kg.

That requirement does not apply to the Government, its departments and bodies.

O.C. 331-2003, s. 23; O.C. 990-2023, s. 10.

24. The civil liability insurance contract must include a provision under which the insurer undertakes to notify the Minister of Sustainable Development, Environment and Parks within 48 hours following the revocation, cancellation, termination or modification of the coverage of the insurance contract.

O.C. 331-2003, s. 24.

CHAPTER III

SALE

25. It is prohibited to sell or offer for sale Class 4 or Class 5 pesticides that contain an active ingredient listed in Schedule I and that are intended to be applied on lawns.

O.C. 331-2003, s. 25.

26. It is forbidden to sell Class 4 pesticides that have been mixed or impregnated with fertilizer.

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

O.C. 331-2003, s. 26; O.C. 70-2018, s. 3.

27. The holder of a Class A or B pesticide sales permit must place the pesticide offered for sale in such manner that the customers cannot help themselves, except in the case of Class 3A pesticides or Class 4 pesticides used as wood preservatives or antifouling paint.

O.C. 331-2003, s. 27; O.C. 70-2018, s. 4.

CHAPTER IV

PESTICIDE USE

DIVISION I

GENERAL PROHIBITIONS

28. The use of strychnine and DDT (1,1,1-trichloro-2,2-di(p-chlorophenyl)ethane) is prohibited.

O.C. 331-2003, s. 28.

29. It is prohibited to apply a pesticide for purposes other than agricultural purposes in the littoral zone of a lake or watercourse, in a wetland, or in a 3 m strip along or around them.

That prohibition does not apply when pesticides are applied by aircraft or

- (1) on a railway ballast if the application is carried out using a windbreak;
- (2) on dams and dikes and around power plants;
- (3) on wooden poles used for the distribution or transmission of electric power or telecommunications;

(3.1) in a forested peatland or a swamp not on a lakeshore, riverbank or littoral zone, located north of the St. Lawrence River, in bioclimatic domains of balsam fir-paper birch or spruce-moss forests, when applying phytocides for the maintenance of a power line corridor;

(4) in water when intended for such use; or

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

It is prohibited to apply a pesticide in the water, on the water or on an organism that is in the water during the applications described in subparagraphs 1 to 3.1 and 5 of the second paragraph.

O.C. 331-2003, s. 29; O.C. 871-2020, s. 1; O.C. 1596-2021, s. 100; O.C. 990-2023, s. 13; I.N. 2024-08-01.

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 sub-species of common reed (*Phragmites australis* (Cav.) Trin. ex Steud. subsp. *australis*);

(i) wild parsnip (*Pastinaca sativa*);

(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 control plants 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.

O.C. 990-2023, s. 14.

30. It is prohibited to apply a pesticide for agricultural purposes

(1) in the littoral zone of a lake or watercourse, in a wetland, or in a 3 m strip along or around them; or

(2) in a ditch or in a 1 m strip along the ditch.

Subparagraph 1 of the first paragraph does not apply to a part of a wetland cultivated in accordance with sections 340.1 and 345.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), a declaration of compliance referred to in section 343.1 of that Regulation and produced in accordance with that Regulation, or an authorization for cultivation issued pursuant to subparagraph 4 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2).

O.C. 331-2003, s. 30; O.C. 319-2006, s. 2; O.C. 1596-2021, s. 101.

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 work to control plants 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.

O.C. 990-2023, s. 15.

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) the identification of the species and, where applicable, the sub-species to be controlled;

(5) a description and analysis of the various possible phytosanitary interventions, including alternative pest control methods, and a description of the proposed interventions, including the pesticide application work;

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

(7) the proposed quantity, dosage and number of applications of each pesticide and the type of equipment to be used;

(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 and, where applicable, riparians concerned by the work;

(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;

(12) the contact information of any person in charge of providing information on the work.

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 zones, the littoral zone boundary, the wetland boundary and the populations of plant species that are targeted by the work;

(2) a copy of the label of each pesticide used.

O.C. 990-2023, s. 15.

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 of each pesticide;

(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 section 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.

O.C. 990-2023, s. 15.

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).

O.C. 990-2023, s. 15.

DIVISION II

USE OF PESTICIDES IN CERTAIN LOCATIONS

31. It is prohibited to apply pesticides containing an active ingredient listed in Schedule I on lawns on

- (1) land owned by the State;
- (2) land owned by municipalities, a metropolitan community and the Kativik Regional Government, except for the unused parts of street rights-of-way;
- (3) land owned by educational institutions at the college level governed by the Act respecting private education (chapter E-9.1) or the General and Vocational Colleges Act (chapter C-29) and educational institutions at the university level referred to in paragraphs 1 to 10 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);
- (4) land owned by health and social services institutions governed by the Act respecting the governance of the health and social services system (chapter G-1.021) or the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5); and
- (5) land where sports, recreational, cultural or artistic activities are held for children under 14 years of age.

That restriction does not apply to lawns on golf courses, in nurseries or in seed orchards, or lawns on land that is

- (1) used only for sports purposes by persons older than 14 years of age;
- (2) fenced in; or
- (3) equipped with a watering system.

O.C. 331-2003, s. 31.

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).

O.C. 331-2003, s. 32; O.C. 70-2018, s. 5.

32.1. Despite section 32, any of the following pesticides may, on the conditions set hereafter, be applied inside or outside an establishment referred to in that section:

- (1) a pesticide containing beta-cyfluthrin, cyfluthrin, imidacloprid or lambda-cyhalothrin to control or destroy flying insects, crawling insects, food insects or wood insects if the pesticide application

- i. is carried out by a holder of a Subclass C5 permit;
 - 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; and
 - iii. is carried out on a surface that is not accessible to children;
- (2) a pesticide containing D-phenothrin or tetramethrin to destroy wasps', hornets' or bees' nests if the pesticide application is carried out by a holder of a Subclass C5 permit;
- (3) a pesticide to control or destroy rodents if
- i. the pesticide is used in solid form in traps, stations or containers that prevent any contact with a person or a non-target animal; and
 - ii. the pesticide application is carried out by a holder of a Subclass C5 permit;
- (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.

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 a 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 and no more than 5 days 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 to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28), the reasons justifying the application of the pesticide, the place where the pesticide is to be applied and the proposed date and time of the application.

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 1 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.

O.C. 70-2018, s. 5; O.C. 990-2023, s. 16.

33. The application a pesticide referred to in section 32 or in subparagraph 1, 2 or 4 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.

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.

O.C. 331-2003, s. 33; O.C. 70-2018, s. 6; O.C. 990-2023, s. 17.

DIVISION III

USE OF PESTICIDES BY CERTAIN CLASSES OF PERSONS

§ 1. — *General*

34. When a provision of this Division does not expressly specify to whom it applies, the provision applies to any person required to hold a permit or certificate under the Pesticides Act (chapter P-9.3).

O.C. 331-2003, s. 34; O.C. 70-2018, s. 7.

35. It is prohibited to prepare pesticides

(1) in the littoral zone of a lake or watercourse, in a wetland, or in a 30 m strip along or around them;

(2) less than 100 m from a category 1 or category 2 water withdrawal site within the meaning of paragraphs 1 and 2 of section 51 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) or from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water (chapter P-29, r. 2);

(3) less than 30 m from a category 3 water withdrawal site within the meaning of paragraph 3 of section 51 of the Water Withdrawal and Protection Regulation or from any other groundwater withdrawal site.

The above prohibitions do not apply to operators of a storage site holding a certificate of conformity issued by CropLife Canada before 3 April 2003.

O.C. 331-2003, s. 35; O.C. 703-2014, s. 2; O.C. 1596-2021, s. 102.

36. The preparation or application of a pesticide must be carried out in accordance with the manufacturer's instructions appearing on the label of the pesticide.

Where instructions and a provision of this Division are inconsistent, the more restrictive applies.

O.C. 331-2003, s. 36.

37. A person who prepares a pesticide must use a water supply system designed to prevent pesticide backflow to the water supply source.

O.C. 331-2003, s. 37.

38. A person who prepares or loads Class 1 to Class 3, Class 4 or Class 5 pesticides must have on the operation site adequate equipment and material capable of stopping any leak or release of pesticides during the operations and if required, of cleaning the premises.

The person must remain on the site throughout the operations so as to prevent any leak or release of pesticides onto the ground.

In the event of a leak or release of pesticides, the person must immediately take measures to stop the leak or release and clean the premises.

O.C. 331-2003, s. 38; O.C. 70-2018, s. 8.

39. Equipment used for the application, loading or unloading of pesticides must be in good working order and be adapted to the type of work to be done.

O.C. 331-2003, s. 39.

40. A person applying pesticides must ensure that, at the time of the application, no person other than a person participating in the application is present on the premises or is exposed to the pesticides.

O.C. 331-2003, s. 40.

§ 2. — *Application of pesticides in a place where air is confined*

I. Scope

41. This subdivision governs the application of pesticides in a location where air is confined, in particular, in buildings, railway cars, trailers, cattle cars, grain elevators, silos, greenhouses, ships, vehicles, containers or under tarpaulins other than tarpaulins used on crops or on soil in fields.

O.C. 331-2003, s. 41.

II. Spraying

42. It is prohibited to carry out pesticide spraying in a building used as a dwelling except with an aerosol can.

O.C. 331-2003, s. 42.

43. A person who carries out pesticide spraying must, at the time the work begins, post a sign on each entrance to the treated premises if

(1) the quantity of pesticides to be applied in the premises is determined by the volume of the premises to be treated; or

(2) the pesticide label of the pesticide states there must be a waiting period after the pesticide application during which access to the premises is prohibited.

That requirement does not apply to a farmer or forest manager.

O.C. 331-2003, s. 43.

44. The sign referred to in section 43 must measure 21.5 cm by 28 cm, be posted in a conspicuous place, be weather resistant and contain the following information, pictogram and warning:

(1) the following warning: “TRAITEMENT AÉROSOL AVEC PESTICIDES”;

(2) under the above warning, the following pictogram:



(3) under the pictogram, the words “ACCÈS INTERDIT AVANT LE” with the date and time of the end of the waiting period in legible characters;

(4) at the bottom of the sign, the following items:

- i. “Ingrédient actif:”
- ii. “Numéro d’homologation:”
- iii. “Titulaire du permis:”
- iv. “Adresse:”
- v. “Numéro de téléphone:”
- vi. “Numéro de certificat:”
- vii. “Titulaire du certificat: (initiales):”
- viii. “Centre Anti-Poison du Québec:”

including, for each item above, information on the common name of the active ingredient of the pesticide used, the registration number of the pesticide, the name, address and telephone number of the permit holder, the certificate number of the person responsible for the work, the name and initials of that person and the telephone number of the Centre Anti-Poison du Québec.

The sign may not contain any information other than the information prescribed in the first paragraph.

O.C. 331-2003, s. 44.

III. Fumigation

45. Fumigation that releases gas may be carried out in premises where the air is confined only if all openings have been sealed to prevent the gas from escaping to the outside.

O.C. 331-2003, s. 45.

46. In addition to the requirement in section 40, the person who is to carry out the fumigation must first ensure that no livestock or pets remain in the premises, to avoid their being exposed to the fumigant.

The person must seal and post a sign on each entrance to the premises to be treated.

If the premises have no specific entrance, at least 4 signs must be posted visibly at various points along the perimeter of the premises.

O.C. 331-2003, s. 46.

47. The sign required by section 46 must measure 21.5 cm by 28 cm, be conspicuous, weather resistant and contain the following information and pictogram:

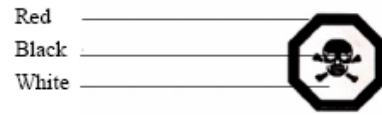
(1) the following warnings:

“FUMIGATION”

“DANGER - GAZ OU FUMÉE TRÈS TOXIQUE”

“ACCÈS INTERDIT”

(2) under the above-mentioned warning, the following pictogram:



(3) under the pictogram, the following items:

- i. “Ingrédient actif:”
- ii. “Numéro d’homologation:”
- iii. “Titulaire du permis ou agriculteur:”
- iv. “Adresse:”
- v. “Numéro de téléphone:”
- vi. “Numéro du certificat:”
- vii. “Titulaire du certificat: (initiales):”
- viii. “Date et heure de fumigation:”
- ix. “Centre Anti-Poison du Québec:”

including, for each item above, information on the common name of the active ingredient of the pesticide used, the registration number of the pesticide used, the name, address and telephone number of the permit holder or farmer, the certificate number of the person responsible for the work, the name and initials of that person, the date and time of fumigation and the telephone number of the Centre Anti-Poison du Québec.

The sign may not contain any information other than the information prescribed in the first paragraph.

O.C. 331-2003, s. 47.

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.

O.C. 331-2003, s. 48; O.C. 990-2023, s. 18.

In force: 2025-07-06

IV. Indoor plant maintenance

O.C. 990-2023, s. 18.

In force: 2025-07-06

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, except if the pesticide is used in solid form in traps, stations or containers that prevent any contact with a person or a non-target animal.

O.C. 990-2023, s. 18.

V. Pest control

O.C. 990-2023, s. 18.

In force: 2025-07-06

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, except if the pesticide is used in solid form in traps, stations or containers that prevent any contact with a person or a non-target animal.

O.C. 990-2023, s. 18.

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 solid form in traps, stations or containers that prevent any contact with a person or a non-target animal.

O.C. 990-2023, s. 18.

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 after the application of a pesticide.

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:”;

(g) “Centre antipoison du Québec:”;

(h) “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 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.

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 solid form in traps, stations or containers that prevent any contact with a person or a non-target animal.

O.C. 990-2023, s. 18.

§ 3. — *Application of pesticides outdoors*

I. Land application

1. *Scope and general*

49. The provisions of sections 50 to 74.4 govern the application of pesticides outdoors, in a location where air is not confined, by a means other than an aircraft.

O.C. 331-2003, s. 49; O.C. 70-2018, s. 9.

50. It is prohibited to apply pesticides

(1) less than 100 m from a category 1 or category 2 water withdrawal site within the meaning of paragraphs 1 and 2 of section 51 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) or from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water (chapter P-29, r. 2);

(2) less than 30 m from a category 3 water withdrawal site within the meaning of paragraph 3 of section 51 of the Water Withdrawal and Protection Regulation;

(3) less than 3 m from any other groundwater withdrawal site;

(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,

The prohibitions set out in subparagraphs 2 and 3 of the first paragraph do not apply to

(1) pesticide application for pest management and during work described in permit Subclasses C5 or D5, if it is carried out more than 3 m from the water withdrawal site;

(2) pesticide application for maintaining green areas and during work described in permit Subclasses C4 and D4, if it is carried out more than 3 m from the water withdrawal site, except in the case of a golf course;

(3) pesticide application on a railway ballast, if it is carried out with a windbreak.

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.

O.C. 331-2003, s. 50; O.C. 703-2014, s. 3; O.C. 990-2023, s. 19.

51. The application of pesticides to control black flies or adult mosquitoes is prohibited, except the application of residual adulticide carried out to complete the application of larvicide.

O.C. 331-2003, s. 51.

52. The application of a pesticide using an air-blast sprayer other than a sprayer equipped with a horizontal ramp or tunnel sprayer must be carried out more than 20 m from a protected immovable if the spraying is done facing away from the protected immovable, and 30 m from a protected immovable if the spraying is done facing the protected immovable.

That requirement does not apply if the application of the pesticide is carried out by, or at the request of, the owner of the immovable or of the operator residing in the immovable.

O.C. 331-2003, s. 52.

53. Birdseed treated with an avicide must be placed in a feeder equipped with a device preventing the wind from carrying the seed away.

The feeder must bear a sign giving the name and registration number of the avicide used, the name, address and telephone number of the permit holder, the Centre Anti-Poison du Québec and its telephone number.

O.C. 331-2003, s. 53; O.C. 990-2023, s. 20.

2. Forest area

54. For the purposes of sections 55 to 57, “forest area” includes a farm woodlot and other wooded areas or areas reserved for the growing of trees for reforestation but does not include seed orchards and blueberry fields under commercial operation.

O.C. 331-2003, s. 54.

55. It is prohibited to spray pesticides in a forest area using an apparatus having a pesticide tank capacity of 200 litres or more if the apparatus is not equipped with a device to prevent leaks should the apparatus tip over.

O.C. 331-2003, s. 55.

56. A person who intends to apply pesticides in a forest area must, before any application, mark off the perimeter of the pesticide application area.

O.C. 331-2003, s. 56.

57. A person who intends to apply pesticides for the purposes of forest development or preservation in a forest area must, before any application, post a sign at the point of access of each passable road leading into the area to be treated.

The sign must be conspicuous, legible from the road, weather resistant and contain the following information and pictogram:

- (1) at the top of the sign, the words “TRAITEMENT AVEC PESTICIDES”;
- (2) under the preceding, a pictogram showing the prohibition to gather plants for consumption in the treated area; and
- (3) under the pictogram, the following items:
 - i. “Ingrédient actif:”
 - ii. “Numéro d’homologation:”
 - iii. “Titulaire du permis ou agriculteur ou aménagiste forestier:”
 - iv. “Adresse:”
 - v. “Numéro de téléphone:”
 - vi. “Numéro de certificat:”
 - vii. “Titulaire du certificat: (initiales): ”
 - viii. “Centre Anti-Poison du Québec:”

ix. “Date de l’application:”

including, for each item above, information on the common name of the active ingredient of the pesticide used, the registration number of the pesticide, the name, address and telephone number of the permit holder, farmer or forest manager, the certificate number of the person responsible for the work, the name and initials of that person, the telephone number of the Centre Anti-Poison du Québec and the pesticide application date.

The sign may not contain any information other than the information prescribed in the second paragraph.

The sign must remain in place until the end of the edible plant season in the treated area.

O.C. 331-2003, s. 57.

58. The owner or operator of a forest area in the domain of the State who intends to apply pesticides or have them applied over more than 100 ha in the same year in the same administrative region must, before the work begins, 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 the second and third paragraphs of section 63.

The permit holder responsible for the work may not start the work until the message has been published or broadcast.

O.C. 331-2003, s. 58.

3. Road, railway or power corridor

59. The application of pesticides in a road, railway or power corridor for their maintenance must not be carried out in the littoral zone of a lake or watercourse, in a wetland, or in a 30 m strip along or around them, except for an application of

(1) pesticides by injection in a tree or shrub, carried out outside the littoral zone of a lake or watercourse, a wetland, or a 3 m strip along or around them;

(2) *Chondrostereum purpureum* on a tree stump, carried out outside the littoral zone of a lake or watercourse, a wetland, or a 3 m strip along or around them;

(3) *glyphosate* on leaves with a knapsack sprayer or ramp-type sprayer, carried out outside the littoral zone of a lake or watercourse, a wetland, or a 10 m strip along or around them;

(4) *glyphosate* or *triclopyr* on a tree stump, carried out outside the littoral zone of a lake or watercourse, a wetland, or a 15 m strip along or around them;

(5) *triclopyr* on the base of a tree or shrub, carried out outside the littoral zone of a lake or watercourse, a wetland, or a 15 m strip along or around them;

(6) pesticide on a railway ballast, carried out with a windbreak, or in wooden poles used for the distribution or transmission of electrical power or telecommunications; and

(7) a phytocide in a forested peatland or a swamp not on a lakeshore, riverbank or littoral zone, located north of the St. Lawrence River, in bioclimatic domains of balsam fir-paper birch or spruce-moss forests, carried out for the maintenance of a power line corridor.

It is prohibited to apply a pesticide in the water, on the water or on an organism that is in the water during the application described in subparagraph 7 of the first paragraph.

O.C. 331-2003, s. 59; O.C. 871-2020, s. 2; O.C. 1596-2021, s. 103; O.C. 990-2023, s. 21; I.N. 2024-08-01.

60. The application of pesticides in a road, railway or power corridor for their maintenance must be carried out more than 30 m from a protected immovable, except for an application of

- (1) pesticides by injection in a tree or shrub;
- (2) *Chondrostereum pupureum* on a tree stump;
- (3) pesticides other than *Chondrostereum pupureum* on a tree stump, carried out more than 3 m from a protected immovable;
- (4) pesticides on the base of a tree or shrub, carried out more than 3 m from a protected immovable;
- (5) pesticides on leaves with a knapsack or ramp-type sprayer, carried out more than 10 m from a protected immovable;
- (6) pesticides on a railway ballast, carried out with a windbreak, or in wooden poles used for the distribution or transmission of electrical power or telecommunications; and
- (7) pesticides carried out by, or at the request of, the owner of a protected immovable or of the operator residing in the immovable.

O.C. 331-2003, s. 60; O.C. 990-2023, s. 22.

61. It is prohibited to spray pesticides in a power line corridor using an apparatus having a pesticide tank capacity of 200 litres or more if the apparatus is not equipped with a device to prevent leaks should the apparatus tip over.

O.C. 331-2003, s. 61.

62. A person who intends to apply pesticides in a road, railway or power corridor for their maintenance must, before any application, mark off the limits of the areas in which the application of pesticides is prohibited under the first paragraph of sections 50 and 52 and sections 59 and 60 that are contiguous to or within the limits of the pesticide application area.

O.C. 331-2003, s. 62.

63. An owner or operator of a road, railway or power corridor who intends to apply pesticides or have pesticides applied for their maintenance must, before the work begins, 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.

The message must be published or broadcast at least 1 week and at the earliest 3 weeks before the beginning of the work.

The message must contain the following information:

- (1) the name and telephone number of the owner or operator of the territory where the work will be carried out;
- (2) the nature, goal and location of the work;
- (3) the period during which work will be carried out;
- (4) restrictions on access to the treated premises and on consumption of plants from the premises; and
- (5) the name and telephone number of the permit holder in charge of the work.

The permit holder responsible for the work may not start the work until the message has been published or broadcast.

O.C. 331-2003, s. 63.

64. An owner or operator of a road, railway or power corridor who intends to apply pesticides or have pesticides applied for their maintenance must, before the work begins, notify the Minister and the local municipality or, in the case of an unorganized territory, the regional county municipality.

The notice must be in writing and must be received by the Minister at least 21 days before the beginning of the work and must contain the following information:

- (1) the name and address of the owner or operator of the territory where the work will be carried out;
- (2) the names of the permit and certificate holders who will carry out the work and their permit or certificate numbers;
- (3) the total area to be treated;
- (4) the name and registration number of the pesticides to be applied;
- (5) the proposed quantity, dosage and number of pesticide applications;
- (6) any date proposed for the work; and
- (7) the name, address and telephone number of any person responsible for providing information on the work.

The following documents must be sent with the notice:

- (1) a map describing the pesticide application areas and the sections within those areas on which the application of pesticides is prohibited under the first paragraph of sections 50 and 52 and sections 59 and 60;
- (2) a copy of the label of the pesticides used; and
- (3) a copy of the message required by section 63.

The permit holder responsible for the carrying out of the work may not start the work until the notice has been given.

O.C. 331-2003, s. 64; O.C. 990-2023, s. 23.

65. An owner or operator of a road, railway or power corridor who applies pesticides or has pesticides applied for their maintenance must keep a register of the work and enter the following information: the dates of pesticide application, the name and registration number of the pesticides used, the areas treated and the weather conditions at the time of each application.

The register must be kept by the owner or operator for a period of 5 years after the date of the last entry.

O.C. 331-2003, s. 65.

66. *(Revoked).*

O.C. 331-2003, s. 66; O.C. 70-2018, s. 10.

4. Maintenance of green areas

O.C. 331-2003, Sd. 4; O.C. 990-2023, s. 24.

67. A person who applies pesticides as described in a Subclass C4 or D4 permit may not apply pesticides impregnated or mixed with fertilizer on lawns unless, in the latter case, the fertilizer and pesticides are kept in separate containers.

O.C. 331-2003, s. 67; O.C. 990-2023, s. 25; I.N. 2023-08-01.

68. A person who applies pesticides as described in a Subclass C4, C5, D4 or D5 permit may not apply pesticides containing an active ingredient listed in Schedule I on a lawn other than a golf course lawn.

O.C. 331-2003, s. 68.

5. Maintenance of green areas and pest management

O.C. 331-2003, Sd. 5; O.C. 990-2023, s. 26.

69. The holder of a Subclass C4, C5, D4 or D5 permit who prepares Class 1, Class 2 or Class 3 pesticides or who loads or unloads a sprayer containing such pesticides must do so in a containment works.

O.C. 331-2003, s. 69.

70. A person who applies pesticides as described in a Subclass C4, C5, D4 or D5 permit must, before any pesticide application, take all measures to avoid contaminating a surface or object that must not be treated. The person must also ensure that no pet is exposed to the pesticide.

In addition, a person may apply pesticides outside a building only if all openings through which there may be pesticide infiltration have been closed.

O.C. 331-2003, s. 70.

71. A person who applies pesticides as described in a Subclass C4, C5, D4 or D5 permit must, after any pesticide application on a lawn, on inert materials or on decorative or ornamental plants, post a sign at all points of access to the treated area if the area is fenced or otherwise delimited and at the foot of each decorative or ornamental plant treated individually.

If the treated area is not fenced or otherwise delimited or is only partly so, a sign must be posted every 20 linear metres or less along the perimeter of the area.

Those requirements do not apply to a person carrying out a pesticide application on a golf course or a pesticide injection into decorative or ornamental plants.

O.C. 331-2003, s. 71; O.C. 990-2023, s. 28.

72. The sign required by section 71 must measure 12.7 cm by 17.7 cm, be conspicuous, weather resistant and contain the following information, pictogram and warnings:

(1) on the front,

(a) at the top of the sign, the words “TRAITEMENT AVEC PESTICIDES” and the warning “*NE PAS ENTRER EN CONTACT AVANT LE*”, with, at the end of warning in legible characters, the date and time of the end of the prohibition period which must be at least 24 hours after the pesticide application;

(b) under the above, the following pictogram:



- (c) under the pictogram, the plants treated;
- (d) at the bottom of the sign, the words “Laisser sur place un minimum de 24 heures”; and
- (2) on the back,
 - (a) the following items:
 - i. “Date et heure de l’application:”
 - ii. “Ingrédient actif:”
 - iii. “Numéro d’homologation:”
 - iv. “Titulaire du permis:”
 - v. “Adresse:”
 - vi. “Numéro de téléphone:”
 - vii. “Numéro de certificat:”
 - viii. “Titulaire du certificat: (initiales):”
 - ix. “Centre Anti-Poison du Québec:”

including, for each item above, information on the date and time of the pesticide application and the common name of the active ingredient of the pesticide used, the registration number of the pesticide, the name, address and telephone number of the permit holder, the certificate number of the person responsible for the work, the name and initials of that person and the telephone number of the Centre Anti-Poison du Québec.

Where the pesticide application includes the exclusive use of biopesticides or pesticides containing an ingredient listed in Schedule II, the circle and slash on the pictogram referred to in subparagraph *b* of subparagraph 1 of the first paragraph may be either red or yellow.

The sign may not contain any information other than the information prescribed in the first paragraph except an indication that fertilizer has been applied.

O.C. 331-2003, s. 72.

5.1 Golf course maintenance

O.C. 990-2023, s. 30.

In force: 2025-07-06

72.1. The holder of a Subclass C11 or D11 permit who prepares Class 1, Class 2 or Class 3 pesticides or who loads or unloads a sprayer containing such pesticides must do so in a containment works.

O.C. 990-2023, s. 30.

72.2. Until 5 July 2025, a person who applies pesticides as described in a Subclass C4 or D4 permit may not apply pesticides within 3 m from the boundary of a golf course or from a building used as a dwelling situated on such golf course.

As of 6 July 2025, a person who applies pesticides as described in a Subclass C11 or D11 permit may not apply pesticides within 3 m from the boundary of a golf course or from a building used as a dwelling situated on such golf course.

O.C. 990-2023, s. 30.

73. An owner or operator of a golf course who applies pesticides or has pesticides applied on the golf course must, every 3 years beginning on 3 April 2006, send a pesticide reduction plan to the Minister.

The plan must contain the following information:

(1) identification:

- (a) the name and address of the owner or operator of the golf course;
- (b) the name and address of the golf course;
- (c) the name and address of the person or permit holder who is responsible for pesticide applications;
- (d) the name of the person responsible for maintaining the green areas of the golf course; and
- (e) the total area of the golf course including only the greens, tee off areas, alleyways, sand traps and roughs, in hectares;

(2) pesticides:

(a) the total quantity of pesticides applied annually in the 3 years preceding the sending of the plan to the Minister for the following classes of pesticides, with an indication of the area treated for each class:

- fungicides;
- insecticides;
- herbicides;
- rodenticides; and
- other pesticides; and

(b) the name of each pesticide used for each category and its registration number;

(3) pesticide reduction objectives for the next 3 years, expressed in percentage or in quantity, for each of the following classes of pesticides:

- (a) fungicides;
- (b) insecticides;
- (c) herbicides;
- (d) rodenticides; and
- (e) other pesticides;

(4) methods used to observe, monitor and detect harmful organisms and the data collected, the preventive measures, the cultivation methods and the control methods used to attain the pesticide reduction objectives;

(5) measures taken to prevent pesticides from migrating outside the premises; and

(6) an evaluation of the results attained in regard to the reduction plan for the 3 previous years, their justifications and the corrective adjustments to be made, if any.

The plan must be signed by an agronomist who is a member of the Ordre des agronomes du Québec.

O.C. 331-2003, s. 73.

74. A person who applies pesticides on trees, shrubs or lawns on a golf course must post a sign at the registration desk and at the tee off area of each hole where the pesticide is applied.

Each sign posted at a tee off area must measure 12.7 cm by 17.7 cm, be conspicuous, weather resistant and contain the following information:

- (1) at the top of the sign, the words “TRAITEMENT AVEC PESTICIDES”;
- (2) under the above warning, the following items:
 - i. “Lieu d’application:” (tee off area, alleyway, sand trap, green or rough)
 - ii. “Date et heure d’application:”
 - iii. “Ingrédient actif:”
 - iv. “Numéro d’homologation:”
 - v. “Numéro de certificat:”
 - vi. “Titulaire de certificat: (initials):”
 - vii. “Centre Anti-Poison du Québec:”

including, for each item above, information on the location of application, the date and time of application, the common name of the active ingredient of the pesticide used, the registration number of the pesticide, the certificate number of the person responsible for the work, the name and initials of that person and the telephone number of the Centre Anti-Poison du Québec.

The sign posted on the tee off area may not contain any information other than the information prescribed in the second paragraph and must remain in place for at least 24 hours after the pesticide application.

The sign posted at the registration desk must bear the information respecting the hole numbers and the locations treated with pesticides for each hole.

O.C. 331-2003, s. 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) the identification of the phytosanitary problem;
- (8) an evaluation of the phytosanitary problem;
- (9) an analysis of the various possible phytosanitary interventions, including alternative pest control methods available;
- (10) the treatment required;
- (11) the reasons justifying the choice of the treatment;
- (12) the name of the active ingredient involved in the treatment and
 - (a) in the case of Class 1 to Class 3 pesticides, the names of the pesticides containing the active ingredient involved and the quantity required; and
 - (b) in the case of Class 3A pesticides, the quantity of seeds required and the plant species concerned;
- (13) the expiry date of the justification;
- (14) the signature of the agrologist and the date.

O.C. 70-2018, s. 11.

74.2. The agronomic justification referred to in section 74.1 is accompanied by an agronomic prescription signed by the agrologist who prepared the agronomic justification.

The prescription must be dated and must contain

- (1) the number 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) the name of the active ingredient involved in the treatment and
 - (a) in the case of Class 1 to Class 3 pesticides, the names of the pesticides containing the active ingredient involved and the quantity required; and
 - (b) in the case of Class 3A pesticides, the quantity of seeds required and the plant species concerned; and
- (5) the expiry date of the prescription.

O.C. 70-2018, s. 11.

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

The validity period of the justification may not exceed 1 year and the justification may not cover more than 1 crop per parcel or per group of parcels.

The validity period of the agronomic prescription may not exceed the expiry date provided for in the justification.

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.

O.C. 70-2018, s. 11.

74.4. Despite sections 74.1 to 74.3, Class 1 or Class 3 pesticides containing chlorpyrifos, clothianidin, imidacloprid or thiamethoxam may be applied before obtaining an agronomic justification where, in the opinion of the agrologist, the application of the pesticide is the treatment most appropriate to ensure rapid control of an insect pest that endangers a crop.

In that case, an agronomic prescription must be obtained before applying the pesticide. The prescription must be signed and dated, and contain the information provided for in paragraphs 2 to 5 of section 74.2. In addition, it must bear a number preceded by the letter “U” and indicate the parcel or group of parcels where the application will take place.

The pesticide must be applied within 36 hours of the issue of the agronomic prescription and comply with the conditions mentioned therein.

An agronomic justification including the information provided for in paragraphs 1 to 12 and 14 of section 74.1 must be obtained not later than 2 business days after the issue of the agronomic prescription. As regards paragraph 1 of section 74.1, the agronomic justification bears the number indicated in the agronomic prescription.

In addition, the farmer must keep the agronomic justification for a period of 5 years following the date on which the agrologist signed it. The farmer must send a copy to any person authorized by the Minister who so requests.

O.C. 70-2018, s. 11.

I.1 - Land application or application by aircraft

1. Dikes, dams and around power plants

O.C. 871-2020, s. 3.

74.5. A person who intends to apply phytocides that tend to control the growth of vegetation on the structure of a dike or a dam or around a power plant must, at least 21 days before the work begins, notify the Minister and the local municipality or, in the case of an unorganized territory, the regional county municipality.

The permit holder responsible for the work may not start the work until the expiry of the period following the sending of the notice provided for in the first paragraph.

O.C. 871-2020, s. 3; O.C. 990-2023, s. 31.

74.6. When the application of a phytocide in accordance with section 74.5 is proposed in an area accessible to the public, before the work is carried out, a sign must be installed at the entrance of all points of

access to that area for a minimum of 48 hours after the use of the phytocide. The sign must indicate the following information only, in this order:

- (1) the words “TRAITEMENT AVEC PHYTOCIDES”;
- (2) a pictogram showing the prohibition to gather plants for consumption in the treated area;
- (3) information on the common name of the active ingredient of the pesticide used;
- (4) the registration number of the pesticide;
- (4.1) the contact information of the person in charge of the work;
- (5) the contact information of the holder of the permit relating to pesticides;
- (6) the certificate number of the person responsible for the work, and the name and initials of that person;
- (7) the telephone number of the Centre antipoison du Québec; and
- (8) the pesticide application date.

O.C. 871-2020, s. 3; O.C. 990-2023, s. 32.

2. Content of the notice

O.C. 871-2020, s. 3.

74.7. The notice referred to in section 74.5 must contain the following information:

- (1) the contact information of the owner or operator of the territory where the work is to be carried out;
- (2) the name and permit number of the holder of the permit relating to pesticides;
- (3) the total area of the territory where each pesticide is to be applied;
- (4) the name and registration number of each pesticide to be applied;
- (5) the proposed quantity, dosage and number of applications of each pesticide and the type of equipment to be used;
- (6) the dates that the work will be carried out;
- (7) the contact information of any person responsible for providing information on the work.

The contact information of any person responsible for providing information on the work must also be included in the notice or provided as soon as that information is available.

The following documents must also be sent with the notice:

- (1) a map describing the pesticide application areas and the sections within those areas on which the application of pesticides is prohibited;
- (2) a copy of the label of each pesticide used.

O.C. 871-2020, s. 3; O.C. 990-2023, s. 33.

II- Application by aircraft

1. Scope and general

75. The provisions of sections 76 to 86.1 govern the application of pesticides by aircraft.

For the purposes of those provisions, and despite subparagraph 1 of the first paragraph of section 1.1, a watercourse does not include an intermittent watercourse.

O.C. 331-2003, s. 75; O.C. 70-2018, s. 12; O.C. 1596-2021, s. 104.

76. It is prohibited to apply pesticides

(1) less than 100 m from a category 1 or category 2 water withdrawal site within the meaning of paragraphs 1 and 2 of section 51 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) or from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water (chapter P-29, r. 2);

(2) less than 30 m from a category 3 water withdrawal site within the meaning of paragraph 3 of section 51 of the Water Withdrawal and Protection Regulation;

(3) less than 3 m from any other groundwater withdrawal site;

(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.

The prohibitions set out in subparagraphs 2 and 3 of the first paragraph do not apply to pesticide application near a water withdrawal site supplying a building that is occasionally used as a dwelling in a forest area.

O.C. 331-2003, s. 76; O.C. 703-2014, s. 4; O.C. 990-2023, s. 34.

77. A person who intends to apply pesticides must, before any application, identify the limits of the application areas with markers or a flight line guidance system, including the limits of any areas in which the application of pesticide is prohibited under section 76, 80 or 86 that are contiguous to or within the limits of the pesticide application area.

O.C. 331-2003, s. 77.

78. A pilot who applies pesticides by means of an aircraft or a person who supervises such an application from another aircraft must have a map or aerial photograph at hand showing the pesticide application area and the sections of that area within which the application of pesticides is prohibited under section 30, 76, 80 or 86, and showing a 300 m strip around the pesticide application area.

O.C. 331-2003, s. 78.

2. Forest or non-agricultural purposes

79. Section 40 does not apply to a person who applies pesticides in a forest area or for non-agricultural purposes.

O.C. 331-2003, s. 79.

80. Phytocides, other than phytocides applied on dikes and dams and around power plants, applied in a forest or for non-agricultural purposes must be applied more than 30 m from a watercourse, lake, wetland or a

protected immovable if the height of the application apparatus from the ground is less than 5 m, and more than 60 m from a watercourse, lake, wetland or protected immovable if the height of the application apparatus from the ground is 5 m or more.

Bacillus thuringiensis (*Kurstaki* variety) applied in a forest or for non-agricultural purposes must be applied at a distance from a protected immovable at least equal to the width of 1 treatment flight lane of the aircraft.

Those requirements do not apply if the application of the pesticide is carried out by, or at the request of, the owner of the immovable or of the operator residing in the immovable.

O.C. 331-2003, s. 80; O.C. 464-2003, s. 1; O.C. 871-2020, s. 4; O.C. 1596-2021, s. 105.

81. A person who intends to apply pesticides other than insecticides for purposes of forest management or preservation in a forest area described in section 54 must, before any application, post a sign at the point of access of each passable road leading into the area to be treated in accordance with the second, third and fourth paragraphs of section 57.

O.C. 331-2003, s. 81.

82. An owner or operator of a forest area in the domain of the State who intends to apply pesticides or have pesticides applied over more than 100 ha in the same year in the same administrative region, or an owner or operator of a road, railway or power corridor who intends to apply pesticides or have pesticides applied must, before the work begins, 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 the second and third paragraphs of section 63.

The permit holder responsible for the work may not start the work until the message has been published or broadcast.

O.C. 331-2003, s. 82.

83. Except if the application of pesticides is subject to the environmental impact assessment and review procedure under the Environment Quality Act (chapter Q-2), a person who intends to apply or have phytocides or *Bacillus thuringiensis* (*kurstaki* variety) applied in a forest or for non-agricultural purposes must, before the work begins, notify the Minister and the local municipality, or in the case of an unorganized territory, the regional county municipality, in the manner prescribed in the second and third paragraphs of section 64. The notice must indicate the location of the operations base of any aircraft used and the potential sites of emergency release should the aircraft be in difficulty.

The permit holder responsible for the work referred to in the first paragraph may not start the work until the notice has been given.

O.C. 331-2003, s. 83; O.C. 990-2023, s. 35.

84. A person who applies or has phytocides or *Bacillus thuringiensis* (*Kurstaki* variety) applied in a forest or for non-agricultural purposes must keep a register of the work.

Where the pesticide is applied in a forest in the domain of the State or in a road, railway or power corridor, the requirement set out in the first paragraph devolves on the owner or operator of the forest or corridor.

The register must contain the following information: the dates on which the pesticides were applied, the name and registration number of the pesticide used, the areas treated and the weather conditions at the time of each application.

In addition, the register must be kept by the persons referred to in the first and second paragraphs for a period of 5 years after the date of the last entry.

O.C. 331-2003, s. 84.

85. A person who applies or has phytocides or *Bacillus thuringiensis* (*Kurstaki* variety) applied in a forest or for non-agricultural purposes must send to the Minister a report on the application of the pesticides.

Where the pesticide is applied in a forest in the domain of the State, or in a road, railway or power corridor, the requirement set out in the first paragraph devolves on the owner or operator of the forest or corridor.

The report must specify the name, quantity and registration number of the pesticides used, the dates of application, the areas treated, the equipment used, the names of the permit and certificate holders who carried out the work and their permit and certificate numbers. The report must be sent at the latest 2 months after the end of the work.

O.C. 331-2003, s. 85.

3. Agricultural purposes and non-forest environment

86. Pesticides other than *Bacillus thuringiensis* (*Kurstaki* variety) applied for agricultural purposes and in a non-forest environment must be applied more than 30 m from a watercourse, lake, wetland, protected immovable or bicycle path physically separated from the automobile traffic and that has its own right of way if the height of the application apparatus from the ground is less than 5 m, and more than 60 m from a watercourse, lake, wetland, protected immovable or bicycle path physically separated from the automobile traffic and that has its own right of way if the height of the apparatus from the ground is 5 m or more.

For the purposes of the first paragraph, watercourses are the parts of a watercourse wider than 4 m. For watercourses whose width is less than 4 m, the prohibition set out in section 30 continues to apply.

Bacillus thuringiensis (*kurstaki* variety) applied for agricultural purposes and in a non-forest environment must be applied at a distance from a protected immovable or bicycle path physically separated from the automobile traffic and that has its own right of way at least equal to the width of 1 treatment flight lane of the aircraft.

Those requirements do not apply if the application of the pesticide is carried out by, or at the request of, the owner of the immovable or of the operator residing in the immovable.

O.C. 331-2003, s. 86; O.C. 464-2003, s. 2; O.C. 319-2006, s. 2; O.C. 70-2018, s. 13; O.C. 1596-2021, s. 106; O.C. 990-2023, s. 36.

86.1. Sections 74.1 to 74.4 apply, with the necessary modifications, to the application, for agricultural purposes, of Class 1 to Class 3 pesticides containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam.

O.C. 70-2018, s. 14.

§ 4. — Register of the use of pesticides for agricultural purposes

O.C. 70-2018, s. 14.

86.2. 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 building where the work was carried out;
- (6) in the case of Class 1 to Class 3 pesticides, the identification of what the treatment was applied to and its area, volume or quantity;
- (7) in the case of Class 3A pesticides, the area treated;
- (8) the name of the pesticide used and the name of its active ingredients;
- (9) the quantity of pesticide used or, in the case of Class 3A pesticides, the quantity of seeds and the plant species concerned;
- (10) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and
- (11) if the pesticide used is referred to in section 74.1 or 74.4, 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.

O.C. 70-2018, s. 14.

CHAPTER IV.1

POSSESSION OF PESTICIDES

O.C. 990-2023, s. 38.

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 sale or use.

It is forbidden for a permit holder or certificate holder who sells retail Class 5 pesticides to possess a pesticide of another class or whose retail sale is prohibited for the holder.

O.C. 990-2023, s. 38.

CHAPTER IV.2

MONETARY ADMINISTRATIVE PENALTIES

O.C. 990-2023, s. 38.

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.

O.C. 990-2023, s. 38.

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.

O.C. 990-2023, s. 38.

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.

O.C. 990-2023, s. 38.

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 loading and unloading periods in accordance with section 9;
- (3) installs a tank elsewhere than in a containment works in contravention of 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 72.2, 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 or gives access to treated premises in contravention of section 48;
- (15) fails, after applying a pesticide, to notify the occupants concerned by the application of a pesticide in a building 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.

O.C. 990-2023, s. 38.

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.

O.C. 990-2023, s. 38.

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, 68 or 74.1;

(6) fails to comply with a condition of this Code for the application of a pesticide prescribed by section 33 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 obtain an agronomic justification containing the information provided for in the second paragraph of section 88.1;

(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.

O.C. 990-2023, s. 38.

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 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.

O.C. 990-2023, s. 38.

CHAPTER V

PENAL

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 other penalty is otherwise provided for such an offence,

(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.

O.C. 331-2003, s. 87; O.C. 70-2018, s. 15; O.C. 990-2023, s. 39.

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.

O.C. 990-2023, s. 39.

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.

O.C. 990-2023, s. 39.

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 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 72.2, 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 or gives access to treated premises in contravention of section 48,

(15) fails, after applying a pesticide, to notify the occupants concerned by the application of a pesticide in a building 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.

O.C. 990-2023, s. 39.

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.

O.C. 990-2023, s. 39.

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, 68 or 74.1,

(6) fails to comply with a condition of this Code for the application of a pesticide prescribed by section 33 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 containing the information provided for in the second paragraph of section 88.1,

(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.

O.C. 990-2023, s. 39.

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 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.

O.C. 990-2023, s. 39.

CHAPTER VI

FINAL

88. The Regulation respecting the use of DDT (R.R.Q., 1981, c. Q-2, r. 24) is revoked.

O.C. 331-2003, s. 88.

88.1. Except in the case of the vegetation strip referred to in subparagraph 1 of the first paragraph of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), section 30 does not apply to the application of a Class 1 to Class 3A pesticide, carried out otherwise than by aircraft, in connection with the cultivation of non-aquatic plants and mushrooms eligible for a declaration of compliance under section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and declared in accordance with that Regulation, provided that the following conditions are met:

(1) a pesticide, other than a biopesticide or a pesticide intended to eliminate grassland, must be applied in accordance with an prior agronomic justification limiting the use to 3 active ingredients;

(2) a Class 1 to Class 3 pesticide must be applied before 1 September each year and only to growing crops or parcels in direct sowing.

For the purposes of subparagraph 1 of the first paragraph, the agronomic justification must contain the information provided for in section 74.1 and comply with the second paragraph of section 74.3. In addition, the farmer must keep the agronomic justification for a period of 5 years following the date of signing by the agrologist and send a copy to any person authorized by the Minister who so requests.

Despite subparagraph 1 of the first paragraph, a Class 1 to Class 3 insecticide or fungicide may be applied before an agronomic justification is obtained when, in the opinion of an agrologist, the application of the pesticide is the treatment most appropriate to ensure rapid control of a pest that endangers a crop. The justification must be obtained at the latest 2 business days after the application of the pesticide, and must bear a number preceded by the letter “U”.

O.C. 1596-2021, s. 107.

88.2. *(Revoked).*

O.C. 1596-2021, s. 107; O.C. 990-2023, s. 41.

88.3. Sections 88.1 and 88.2 cease to have effect on 1 March 2027.

O.C. 1596-2021, s. 107.

89. *(Omitted).*

O.C. 331-2003, s. 89.

SCHEDULE I

(ss. 25, 31 and 68)

Prohibited active ingredients

Insecticides

Carbaryl

Clothianidin

Dicofol

Imidacloprid

Malathion

Fungicides

Benomyl

Captan

Chlorothalonil

Iprodione

Quintozene

Thiophanate-methyl

Herbicides

2,4-D (present as sodium salt)

2,4-D (present as ester)

2,4-D (present as acid)

2,4-D (present as amine salt)

Chlorthal dimethyl

MCPA (present as ester)

MCPA (present as amine salt)

MCPA (present as potassium or sodium salt)

Mecoprop (present as acid)

Mecoprop (present as amine salt)

Mecoprop (present as potassium or sodium salt)

O.C. 331-2003, Sch. I; O.C. 70-2018, s. 16.

SCHEDULE II

(ss. 32, 32.1 and 72)

AUTHORIZED ACTIVE INGREDIENTS INSIDE OR OUTSIDE AN ESTABLISHMENT REFERRED TO
IN SECTION 32

Insecticides

Boric acid

Borax

Disodium octaborate tetrahydrate

O.C. 331-2003, Sch. II; O.C. 990-2023, s. 43.

Not in force

SCHEDULE III

(ss. 25 and 48.1)

PROHIBITED ACTIVE INGREDIENTS FOR INDOOR PLANT MAINTENANCE

Insecticides

Piperonyl butoxide

Tetramethrin

O.C. 990-2023, s. 44.

Not in force

SCHEDULE IV

(ss. 25 and 48.2)

PROHIBITED ACTIVE INGREDIENTS FOR PEST CONTROL INSIDE A BUILDING USED AS A DWELLING

Insecticides

Dichlorvos

Propoxur

O.C. 990-2023, s. 44.

UPDATES

O.C. 331-2003, 2003 G.O. 2, 1255
O.C. 464-2003, 2003 G.O. 2, 1367
O.C. 319-2006, 2006 G.O. 2, 1343
O.C. 703-2014, 2014 G.O. 2, 1626
O.C. 70-2018, 2018 G.O. 2, 667
O.C. 871-2020, 2020 G.O. 2, 2343A
O.C. 1596-2021, 2022 G.O. 2, 6
O.C. 990-2023, 2023 G.O. 2, 1248
S.Q. 2023, c. 34, ss. 1293 and 1634

