

chapter P-9.3, r. 2

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

Pesticides Act
(chapter P-9.3, ss. 32, 101, 104 and 109).



The fees prescribed in the Regulation have been indexed as of 1 January 2024 as pursuant to the notice published in Part 1 (French) of the Gazette officielle du Québec of 23 December 2023, page 884. (ss. 21, 22, 39)

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SCHEDULE I (Revoked)

DIVISION I

GENERAL

O.C. 305-97, Div. I; O.C. 990-2023, s. 1.

1. This Regulation applies to pesticides included in the classes of pesticides established by sections 2 to 10.

It applies to the immovables 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. 305-97, s. 1.

1.1. For the purposes of this Regulation, the action of putting a pesticide into or on the soil is considered to be the application of a pesticide.

O.C. 71-2018, s. 1.

1.2. Every person who sends an application, a declaration or any other information or document required under this Regulation to the Minister must use the forms when they are available on the website of the Minister's department. A declaration referred to in sections 54 to 55.1 must also be submitted electronically.

O.C. 990-2023, s. 2.

DIVISION II

CLASSES OF PESTICIDES

2. Classes of pesticides 1 to 5 are hereby established.

Pesticides belong to the class of pesticides in which they are respectively included by sections 3 to 7.

A pesticide used in a form different from the form in which it is marketed continues to belong to the class in which it is included.

O.C. 305-97, s. 2.

3. The following pesticides are included in Class 1:

(1) any pesticide whose use is limited to research work in accordance with the Pest Control Products Regulations (SOR/2006-124);

(2) any pesticide composed of a mixture containing one or more of the following active ingredients:

(a) aldicarb;

(b) aldrin;

(c) chlordane;

(d) dieldrin;

(e) endrin;

(f) heptachlor.

O.C. 305-97, s. 3; O.C. 332-2003, s. 1; O.C. 990-2023, s. 3.

4. A pesticide that is not specifically included in Class 1 or Class 3 is included in Class 2, where the container bears the word “RESTRICTED” on a label or inscription or where that word appears in a document accompanying it.

O.C. 305-97, s. 4.

5. The following pesticides are included in Class 3:

(1) any pesticide that is not specifically included in another class, where the container bears the word “COMMERCIAL”, “AGRICULTURAL” or “INDUSTRIAL” on a label or inscription or where that word appears in a document accompanying it;

(2) any pesticide composed of *Bacillus thuringiensis Berliner var Kurstaki* intended for use in forests or on wooded land; and

(3) any pesticide prepared by the user by mixing a fertilizer with a Class 3 pesticide.

O.C. 305-97, s. 5.

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

(1) clothianidin;

(2) imidacloprid;

(3) thiamethoxam.

O.C. 71-2018, s. 2.

6. The following pesticides are included in Class 4:

(1) any pesticide that is not specifically included in one of the other classes, where the container bears the word “DOMESTIC” on a label or inscription or where that word appears in a document accompanying it; and

(2) any pesticide for the lawn mixed or impregnated with a fertilizer, except a mixture in Class 3.

O.C. 305-97, s. 6; O.C. 332-2003, s. 2.

7. A pesticide whose container bears the word “DOMESTIC” on an inscription or label is included in Class 5 where

(1) it is marketed in a form requiring no preparation or dilution and in a volume or weight equal to or less than 1 litre or 1 kg, respectively, and it is intended for one or more of the following uses exclusively:

(a) fabric protection, if the product is composed of paradichlorobenzene or naphthalene;

(b) as ant, cockroach or earwig bait, if the container protects a person against contact with the product;

(c) as animal repellent, if the product is not polymerized butene-based or thiram-based;

(d) flea-repellent collars or tags for dogs and cats;

(e) insect repellent to be applied on a person;

(f) herbicide for local treatment that does not contain an active ingredient listed in Schedule I of the Pesticides Management Code (chapter P-9.3, r. 1);

(2) it is marketed in a form requiring no preparation or dilution and in a volume or weight equal to or less than 1 litre or 1 kg, respectively, and it is composed of a mixture that contains one or more of the following active ingredients exclusively:

- (a) *(subparagraph revoked)*;
- (b) D-Trans allethrin;
- (c) *(subparagraph revoked)*;
- (d) tetramethrin;
- (e) resmethrin;
- (f) pyrethrins;
- (g) piperonyl butoxide;
- (h) methopren;
- (i) n-octyl bicycloheptene dicarboximide;
- (j) di-n-propyl isocinchomeronate;
- (k) n-octyl hydroxyethyl-2 sulphide;
- (l) D-cis, trans allethrin;
- (m) permethrin;
- (n) *(subparagraph revoked)*;
- (o) diatomaceous earth;
- (p) soap;
- (q) D-phenothrin;
- (r) boric acid;
- (s) disodium octaborate tetrahydrate;
- (t) sulfur;
- (u) calcium sulphide or calcium polysulphide;
- (v) ferric phosphate;
- (w) spinosad;
- (x) acetamipride;
- (y) borax;
- (z) metofluthrin;
- (aa) imiprothrin;

(bb) prallethrin;

(cc) cyfluthrin;

(dd) momfluorothrin; or

(ee) biopesticides;

(3) it is composed of a mixture containing one or more of the following active ingredients exclusively:

(a) *Bacillus thuringiensis Berliner var Kurstaki*;

(b) diatomaceous earth;

(c) soap; or

(d) biopesticides.

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

O.C. 305-97, s. 7; O.C. 332-2003, s. 3; O.C. 71-2018, s. 3; O.C. 990-2023, s. 5.

8. A word appearing on a label or inscription or in an accompanying document and referred to in sections 4 to 7 means the word appearing on the principal display panel prescribed by the Pest Control Products Regulations (SOR/2006-124) for the designation of the class of a pest control product.

O.C. 305-97, s. 8.

9. Ingredients that are used or prepared for use as the following are not included in the classes of pesticides established in sections 2 to 7:

(1) an algicide or bactericide for swimming pools, spas or aquariums or for the treatment of drinking water;

(2) an air cleanser;

(3) a disinfectant; or

(4) a detergent additive.

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

O.C. 305-97, s. 9; O.C. 990-2023, s. 6.

10. (*Revoked*).

O.C. 305-97, s. 10; O.C. 990-2023, s. 7.

DIVISION III

PERMITS

11. The following classes of permits relating to pesticides are hereby established:

(1) Class A: Wholesale Permit;

- (2) Class B: Retail Permit;
- (3) Class C: Work for Others Permit; and
- (4) Class D: Work Permit for Own Activities.

O.C. 305-97, s. 11; O.C. 990-2023, s. 8.

§ 1. — *Sale of pesticides*

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

O.C. 305-97, s. 12; O.C. 332-2003, s. 4; O.C. 71-2018, s. 4.

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

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

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

O.C. 305-97, s. 13; O.C. 332-2003, s. 5; O.C. 71-2018, s. 4.

§ 2. — *Pesticide application*

14. A Class C “Work for Others Permit” covers activities involving the use of a Class 1 to Class 5 pesticide, carried on for others and included in Subclasses C1 to C12 described below:

(1) Subclass C1 “Aerial Application” covers the application of a pesticide by means of an aircraft, for any purpose and over any space to which an aircraft has legal access;

(2) Subclass C2 “Aquatic Application” covers the application above water of a pesticide on a boat’s hull and the application, using an application method other than by aircraft, of such a pesticide in the sea, a gulf, a river, a watercourse, a lake, a pond, a swamp, a marsh, an ornamental lake or pond or a facility immersed therein, in order to destroy or control vegetation or an aquatic organism developing therein, except stinging insect larvae;

(3) Subclass C3 “Application on Raw Land” covers the application of a pesticide, using an application method other than by aircraft, in road, rail and energy transportation corridors, related service areas or accessory spaces, parking areas or outdoor storing areas, as well as on raw land, in order to destroy or control the vegetation growing thereon;

(4) Subclass C4 “Application for maintaining green areas” covers the application of a pesticide, using an application method other than by aircraft and other than on a golf course; fumigation of a gas mentioned in Subclass C6 is not covered by this Subclass:

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

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

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

(5) Subclass C5 “Application for Pest Management” covers the application of a pesticide, using an application method other than by aircraft, in order to destroy or control harmful vertebrate animals in places where they occur, to destroy or control invertebrate animals that attack harvested plants or parts thereof or to prevent and fight the parasitic diseases of those plants, and to destroy or control harmful invertebrate animals in the space enclosed by tarpaulins and in vehicles, containers, buildings and the areas around buildings, except for invertebrates harmful to plants; fumigation of a gas mentioned in Subclass C6 and pesticide application to control or destroy undesirable fish in an aquatic environment, to destroy or control invertebrate animals that attack seeds or to prevent and fight seed parasitic diseases are not covered by this Subclass;

(6) Subclass C6 “Application by Fumigation” covers the application of the following gases, for any purpose, by means of fumigation in a closed or confined space: methyl bromide, carbon dioxide, sulfur dioxide, ethylene oxide and phosphine;

(7) Subclass C7 “Application in Forest Areas” covers the application of a pesticide, using an application method other than by aircraft, in order to destroy or control animals, vegetation or parasitic diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or the field production of plants intended for reforestation, and to eliminate or control plants on forest roads;

(8) Subclass C8 “Application on Cultivated Land” covers the application of a pesticide, using an application method other than by aircraft, on cultivated land, in order to destroy or control invertebrates harmful to crops growing thereon, except decorative or ornamental plants, and to prevent or fight the parasitic diseases of those crops, to control their growth or to destroy plants harmful to them; fumigation of a gas mentioned in Subclass C6 is not covered by this Subclass;

(9) Subclass C9 “Application for Control of Stinging Insects” covers the application of a pesticide, using an application method other than by aircraft, in an aquatic environment, in order to destroy stinging insect larvae, or in the atmosphere, in order to control adult stinging insects;

(10) Subclass C10 “Application in Buildings for Horticultural Purposes” covers the application of a pesticide that is not mentioned in Subclass C6,

(a) on the plants cultivated in a building in order to destroy or control plants and animals harmful to them, to control the growth of those plants or to protect them from parasitic diseases;

(b) in any ornamental lake or pond located in a building in order to control or eliminate the plants growing therein; or

(c) on a strip not exceeding 1 m in width around a greenhouse, in order to control or eliminate the harmful vegetation or animals in that strip;

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

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

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

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

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

The holder of a Class C permit may also, in respect of a subclass corresponding to his permit, carry on the activities covered by a Class D permit.

O.C. 305-97, s. 14; O.C. 71-2018, s. 5; O.C. 990-2023, s. 10.

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

(1) Subclass D1 “Aerial Application” covers the application of a pesticide by means of an aircraft, for any purpose and over any space to which an aircraft has legal access;

(2) Subclass D2 “Aquatic Application” covers the application above water of a pesticide on a boat’s hull and the application, using an application method other than by aircraft, of such pesticide in the sea, a gulf, a river, a watercourse, a lake, a pond, a swamp, a marsh, an ornamental lake or pond or a facility immersed therein, in order to destroy or control vegetation or an aquatic organism developing therein, except stinging insect larvae;

(3) Subclass D3 “Application on Raw Land” covers the application of a pesticide, using an application method other than by aircraft, in road, rail and energy transportation corridors, related service areas or accessory spaces, parking areas or outdoor storing areas, as well as on raw land, in order to destroy or control the vegetation growing thereon;

(4) Subclass D4 “Application for maintaining green areas” covers the application of a pesticide, using an application method other than by aircraft and other than on a golf course; fumigation of a gas mentioned in Subclass D6 is not covered by this Subclass:

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

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

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

(5) Subclass D5 “Application for Pest Management” covers the application of a pesticide, using an application method other than by aircraft, in order to destroy or control harmful vertebrate animals in places where they occur, to destroy or control invertebrate animals that attack harvested plants or parts thereof or to prevent and fight the parasitic diseases of those plants, and to destroy or control harmful invertebrate animals in the space enclosed by tarpaulins and in vehicles, containers, buildings and the areas around buildings, except for invertebrates harmful to plants; fumigation of a gas mentioned in Subclass D6 and pesticide application to control or destroy undesirable fish in an aquatic environment, to destroy or control invertebrate animals that attack seeds or to prevent and fight seed parasitic diseases are not covered by this Subclass;

(6) Subclass D6 “Application by Fumigation” covers the application of the following gases, for any purpose, by means of fumigation in a closed or confined space: methyl bromide, carbon dioxide, sulfur dioxide, ethylene oxide and phosphine;

(7) Subclass D7 “Application in Forest Areas” covers the application of a pesticide, using an application method other than by aircraft, in order to destroy or control animals, vegetation or parasitic diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or the field production of plants intended for reforestation, and to eliminate or control plants on forest roads;

(8) Subclass D9 “Application for Control of Stinging Insects” covers the application of a pesticide, using an application method other than by aircraft, in an aquatic environment, in order to destroy stinging insect larvae, or in the atmosphere, in order to control adult stinging insects;

(9) Subclass D10 “Application in Buildings for Ornamental Horticulture Purposes” covers the application of a pesticide, except fumigation of the gases referred to in Subclass D6,

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

(b) in any ornamental lake or pond located in a building, in order to control or eliminate the plants growing therein; or

(c) on a strip not exceeding 1 m in width around a green house, in order to control or eliminate the harmful vegetation or animals in that strip;

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

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

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

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

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

O.C. 305-97, s. 15; O.C. 71-2018, s. 6; O.C. 990-2023, s. 11.

§ 3. — *Exemption from permit*

16. A pesticide used for personal use by a natural person is exempted from the application of sections 14 and 15.

A pesticide is exempted from the application of section 15 where it is used

(1) to prepare water or fluid used in the operation of evaporation, washing, extraction, cooling, pasteurization or heating equipment or in the manufacture of a product other than a pesticide; or

(2) in a pesticide injection system in a drinking water catchment facility or in an industrial water intake, in order to prevent the proliferation of zebra mussels in such facilities and in the pipes they supply.

O.C. 305-97, s. 16; O.C. 990-2023, s. 12.

§ 4. — *Application for a permit or for modification of a permit*

17. Every application for a permit or for modification of a permit shall be made on the form provided by the Minister.

Such application shall include

(1) the applicant’s name, domicile and postal address and, where applicable, email address;

(2) if the applicant is a legal person, its name and head office, the names, domiciles and postal addresses of its officers, and the quality of the person signing the application;

(3) if the applicant is a partnership within the meaning of the Civil Code, the names, domiciles and postal addresses of the partners;

(4) a statement identifying the class and, where applicable, the subclasses of the permit covered by the application;

(5) a statement identifying the classes of pesticides the applicant intends to sell or use in carrying on his activities; and

(6) the name and address of the place of business or establishment for which the permit is applied for or, for a Class A, B or C permit, the name and address of each establishment located in Québec that is covered by the application and will be used in the carrying on of the activities for which the permit is applied for.

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

O.C. 305-97, s. 17; O.C. 71-2018, s. 7.

18. In addition to the information prescribed by section 17, the application for a permit or modification of a permit shall be accompanied by,

(1) in the case of a legal person, its charter, a certified copy of the resolution authorizing the signing of the application for a permit and the business number assigned by the enterprise registrar;

(2) in the case of a partnership within the meaning of the Civil Code, a copy of the contract of partnership or of the declaration of partnership required under that Code; and

(3) where a name different from its proper name is used, a copy of the registration declaration filed with the enterprise registrar.

O.C. 305-97, s. 18.

19. Where modification of a permit is applied for, the applicant is exempt from the obligation to provide a document already provided to the Minister with a prior application, where the information in the document already provided is still up to date.

O.C. 305-97, s. 19.

20. An applicant for a permit or modification of a permit shall pay the fees exigible with his application, in cash or by means of a postal money order or cheque to the order of the Minister of Finance.

O.C. 305-97, s. 20; O.C. 332-2003, s. 16.

21. The fees exigible for the issue of a permit are

(1) for a Class A permit: \$800;

(2) for a Subclass B1 permit: \$800;

(3) for a Subclass B2 permit: \$268;

(4) for a Class C permit: \$800;

(5) for a Class D permit: \$134.

O.C. 305-97, s. 21.

22. The fees exigible for the issue of a temporary permit are

(1) for a Class C permit: \$355;

(2) for a Class D permit: \$112.

O.C. 305-97, s. 22.

23. The fees exigible for the issue of a permit shall be indexed on 1 January of each year on the basis of the rate of change in the Consumer Price Index for Canada as published by Statistics Canada; the rate shall be calculated by establishing the difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes for the period equivalent to the second preceding year.

The indexed fees shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister of Sustainable Development, Environment and Parks shall publish the indexing in the *Gazette officielle du Québec* before 1 January of each year and, if the Minister considers it appropriate, in any other media.

O.C. 305-97, s. 23; O.C. 332-2003, s. 6.

24. Every person who applies for a Class A, B or C permit and who carries on his activities in 2 or more establishments in Québec shall pay the fees exigible under section 21 for each establishment that he uses to carry on his activities.

O.C. 305-97, s. 24.

25. A holder of a Class A, B or C permit who wishes to carry on an activity in a new establishment in Québec for the carrying on of activities already authorized by his permit shall first apply for modification of his permit; with his application for modification, he shall pay the fees exigible under section 21 for each establishment covered by the application. Notwithstanding the foregoing, if the application is made during the last 18 months of the permit's term, the fees are fixed at one-half of the fees prescribed in section 21.

O.C. 305-97, s. 25.

26. The fees prescribed in section 21 apply to an application for modification of a Class B "Retail Permit" where the holder applies for a modification or an addition of a subclass.

In addition, if the application is made during the last 18 months of the permit's term, the fees are fixed at one-half of the fees prescribed in section 21.

O.C. 305-97, s. 26; O.C. 332-2003, s. 7.

27. The charge exigible for the issue of a duplicate of a permit is \$5.

O.C. 305-97, s. 27.

28. An application for renewal of a permit shall be made at least 30 days before it expires, on the form provided by the Minister.

The application shall include the information prescribed in section 17, the permit number and the date of expiry.

Where the application is made by a legal person, it shall also include the documents prescribed in paragraph 1 of section 18, except the charter, unless the charter has been amended since the a copy thereof was sent when the permit was applied for; in such a case, the application shall include a copy of the amendment to the charter.

The applicant shall pay, with his application, the fees exigible for the issue of a permit, in cash or by means of a postal money order or cheque to the order of the Minister of Finance.

O.C. 305-97, s. 28; O.C. 332-2003, s. 16.

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

(1) any change which makes the information or documents furnished for the issue or renewal of a permit under sections 17 and 18 inaccurate or incomplete;

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

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

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

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

O.C. 990-2023, s. 13.

29. The issuance or renewal of a temporary Class C permit is conditional on the furnishing by the applicant or by a third party on the applicant's behalf of a guarantee intended to reimburse the Minister for any costs he incurs for measures taken pursuant to section 24, 26 or 27 of the Pesticides Act (chapter P-9.3).

The amount of such a guarantee is \$50,000.

O.C. 305-97, s. 29.

30. The guarantee shall be furnished as

(1) cash, a bank money order or a certified cheque to the order of the Minister of Finance;

(2) bonds issued or guaranteed by Québec, Canada or a Canadian province or territory, the United States of America or one of its member states, the International Bank for Reconstruction and Development, a municipality, a school service centre or a school board in Canada or a fabrique in Québec;

(3) security or a guarantee policy, with a stipulation of solidarity and a waiver of the benefits of discussion and division, taken out with a legal person authorized to stand surety under the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (chapter C-67.3), the Trust Companies and Savings Companies Act (chapter S-29.02) or the Insurers Act (chapter A-32.1); or

(4) an irrevocable letter of credit issued by a bank or a financial services cooperative.

O.C. 305-97, s. 30; O.C. 488-2017, s. 11; O.C. 816-2021, s. 77.

31. The cash, cheques or securities furnished as a guarantee shall be deposited with the Bureau général de dépôts pour le Québec for the term of the permit and until the expiry of the 6-month period following the date of expiry or revocation of the permit, whichever occurs first.

O.C. 305-97, s. 31; O.C. 488-2017, s. 12.

32. A guarantee furnished as security, a guarantee policy or a letter of credit shall have a term equal to that of the permit.

The guarantee shall contain a clause stipulating that the period during which a claim may be made based on the permit holder's failure to discharge his obligations must extend at least 6 months after the guarantee expires or, as the case may be, after its revocation, resiliation or cancellation.

Any revocation, resiliation or cancellation clause in a guarantee may take effect only after advance notice of at least 15 days is sent to the Minister by registered mail.

O.C. 305-97, s. 32.

DIVISION IV

CERTIFICATES

33. The following classes of certificates relating to the sale and application of pesticides are hereby established:

- (1) Certificate for the Wholesale of Pesticides: Class A;
- (1.1) Certificate for the Retail Sale of Pesticides: Class B;
- (2) Certificate for the Application of Pesticides: Class CD;
- (3) Farmer's Certificate for the Application of Pesticides: Class E;
- (4) Forest Manager's Certificate for the Application of Pesticides: Class F.

O.C. 305-97, s. 33; O.C. 332-2003, s. 8.

§ 1. — *Sale of pesticides*

34. A Class A "Certificate for the Wholesale of Pesticides" covers

- (1) sales activities for the purposes of resale of Class 1 to Class 5 pesticides; and
- (2) the supervision of those activities at the places where they are performed.

O.C. 305-97, s. 34; O.C. 332-2003, s. 9; O.C. 71-2018, s. 8.

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

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

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

O.C. 332-2003, s. 9; O.C. 71-2018, s. 8.

§ 2. — *Pesticide application*

35. A Class CD "Certificate for the Application of Pesticides" covers activities involving the use of Class 1 to Class 5 pesticides, carried on by a person who is not covered by Class E or Class F and included in Subclasses CD1 to CD12 described below:

(1) a Subclass CD1 “Certificate for Aerial application” authorizes the natural person holding it to carry on the activities described in permit Subclass C1, and the activities described in permit Subclass D1, or to supervise those activities at the places where they are performed;

(2) a Subclass CD2 “Certificate for Aquatic Application” authorizes the natural person holding it to carry on the activities described in permit Subclass C2, and the activities described in permit Subclass D2, or to supervise those activities at the places where they are performed;

(3) a Subclass CD3 “Certificate for Application on Raw Land” authorizes the natural person holding it to carry on the activities described in permit Subclass C3, and the activities described in permit Subclass D3, or to supervise those activities at the places where they are performed;

(4) a Subclass CD4 “Certificate for Application for Maintaining Green Areas” authorizes the natural person holding it to carry on the activities described in permit Subclass C4, and the activities described in permit Subclass D4, or to supervise those activities at the places where they are performed;

(5) a Subclass CD5 “Certificate for Application for Pest Management” authorizes the natural person holding it to carry on the activities described in permit Subclass C5, and the activities described in permit Subclass D5, or to supervise those activities at the places where they are performed;

(6) a Subclass CD6 “Certificate for Application by Fumigation” authorizes the natural person holding it to carry on the activities described in permit Subclass C6 or Subclass D6, in respect of the gases mentioned in those subclasses, or to supervise those activities at the places where they are performed;

(7) a Subclass CD7 “Certificate for Application in Forest Areas” authorizes the natural person holding it to carry on the activities described in permit Subclass C7, and the activities described in permit Subclass D7, or to supervise those activities at the places where they are performed;

(8) a Subclass CD8 “Certificate for Application on Cultivated Land” authorizes the natural person holding it to carry on the activities described in permit Subclass C8, or to supervise those activities at the places where they are performed;

(9) a Subclass CD9 “Certificate for Application for Control of Stinging Insects” authorizes the natural person holding it to carry on the activities described in permit Subclass C9, and the activities described in permit Subclass D9, or to supervise those activities at the places where they are performed;

(10) a Subclass CD10 “Certificate for Application in Buildings for Horticultural Purposes” authorizes the natural person holding it to carry on the activities described in permit Subclass C10, and the activities described in permit Subclass D10, or to supervise those activities at the places where they are performed;

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

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

O.C. 305-97, s. 35; O.C. 71-2018, s. 9; O.C. 990-2023, s. 15.

36. A Class E “Farmer’s Certificate for the Application of Pesticides” covers the activities involving the use of a Class 1 to Class 3A pesticide that are included in Subclasses E1 to E5 described below and are carried on by a natural person who is a farmer, a person authorized to act on behalf of a farmer, or a farmer’s employee, or who is acting under the supervision of a Class E certificate holder:

(1) a Subclass E1 “Farm Producer’s Certificate” authorizes the holder

(a) to perform, using an application method other than by aircraft, work involving the use of a Class 1 to Class 3A pesticide, except work described in Subclasses E3 and E5, on an agricultural operation, including a woodlot forming a part thereof, registered under the Regulation respecting the registration of agricultural operations and the payment of property taxes and compensations (chapter M-14, r. 1) in order to destroy or control harmful animals and plants, to control the growth of plants, to protect those plants against parasitic diseases, or to destroy or control aquatic plants in a pond without an outlet entirely contained within the limits of the agricultural operation; and

(b) to supervise those activities at the places where they are performed;

(1.1) *(paragraph revoked)*;

(2) a Subclass E2 “Farmer’s Certificate” authorizes the holder

(a) to perform, using an application method other than by aircraft, work involving the use of a Class 1 to Class 3A pesticide, except the work described in Subclasses E3 and E5, in order to destroy or control harmful animals and plants on an agricultural operation and the woodlot forming a part thereof, to control the growth of plants and to protect them from parasitic diseases, to destroy or control aquatic plants in a pond without an outlet entirely contained within the limits of an agricultural operation; and

(b) to supervise those activities at the places where they are performed;

(3) a Subclass E3 “Farmer’s Certificate for Application in Buildings for Horticultural Purposes” authorizes the holder

(a) to perform, in a building, work involving the use of a Class 1 to Class 3 pesticide, except the work described in Subclass E5

i. on plants cultivated therein and intended for sale in whole or in part, in order to destroy or control plants and animals harmful to them, to control the growth of those plants or to protect them from parasitic diseases;

ii. in ornamental lakes and ponds located in the building, in order to control or to eliminate the plants growing therein;

(b) to apply a pesticide referred to in subparagraph *a* on a strip not exceeding 1 m in width around a greenhouse, in order to control or to eliminate the harmful vegetation or animals within that strip;

(c) to supervise the activities provided for in subparagraphs *a* and *b* at the places where they are performed;

(4) *(paragraph revoked)*;

(5) a Subclass E5 “Certificate for Application by Fumigation” authorizes the holder to fumigate methyl bromide, carbon dioxide, sulfur dioxide, ethylene oxide or phosphine or to supervise that activity at the places where it is performed.

O.C. 305-97, s. 36; O.C. 332-2003, s. 10; O.C. 71-2018, s. 10; O.C. 990-2023, s. 16.

37. A Class F “Forest Manager’s Certificate for the Application of Pesticides” covers activities involving the use of a Class 1 to Class 3 pesticide, included in Subclasses F1 to F2 described below and carried on by a natural person who is a forest manager exempt from the obligation to hold a permit under paragraph 2 of section 35 of the Act, a person authorized to act on behalf of such a forest manager or a person employed by such a forest manager or acting under the supervision of a Class F certificate holder:

(1) a Subclass F1 Certificate of a Forest Producer or of a Holder of a Forest Management Permit” authorizes the holder

(a) to perform, using an application method other than by aircraft, work involving the use of a Class 1 or Class 2 pesticide, in order to destroy or control harmful animals, vegetation or parasitic diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or for the field production of plants intended for reforestation in a forest operation managed by a forest producer recognized under Chapter III of Title IV of the Sustainable Forest Development Act (chapter A-18.1) and holding a certificate issued under those provisions or operated under a management permit issued under that Act for the cultivation and operation of a sugar bush for acericultural purposes or for the supply of a wood processing plant;

(b) to supervise those activities at the places where they are performed;

(1.1) a Subclass F1.1 “Forest Producer’s or Forest Management Permit Holder’s Certificate for the Application of Class 3 Pesticides” authorizes the holder

(a) to perform, using an application method other than by aircraft, work involving the use of a Class 3 pesticide, in order to destroy or control harmful animals, vegetation or parasitic diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or for the field production of plants intended for reforestation in a forest operation managed by a forest producer recognized under Chapter III of Title IV of the Sustainable Forest Development Act and holding a certificate issued under those provisions or operated under a management permit issued under that Act for the cultivation and operation of a sugar bush and maple syrup production or for the supply of a wood processing plant; and

(b) to supervise those activities at the places where they are performed;

(2) a Subclass F2 “Forest Manager’s Certificate” authorizes the holder to perform, using an application method other than by aircraft, work involving the use of a Class 1 to Class 3 pesticide, in order to destroy or control harmful animals, vegetation or parasitic diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or for the field production of plants intended for reforestation and to supervise those activities at the places where they are performed.

O.C. 305-97, s. 37; O.C. 332-2003, s. 11.

§ 3. — *Application for a certificate or for modification of a certificate*

38. Any application for a certificate or for modification of a certificate shall be made on the form provided by the Minister.

Such application shall include

(1) the applicant’s name, address and telephone number and, where applicable, email address;

(2) a statement identifying the certificate class and, where applicable, the subclasses covered by the application; and

(3) a statement identifying the classes of pesticides the applicant intends to sell or use in carrying on his activities.

The application for a certificate shall be accompanied by an attestation that the applicant has passed the examination prescribed or recognized by the Minister or by the documents required by the Minister pursuant to subparagraph 1 of the first paragraph of section 54 of the Act.

Where a Subclass E1, F1 or F1.1 certificate is applied for, the application shall be accompanied, as the case may be, by a copy of the farm producer card, of the forest producer certificate or of the forest management permit.

An application for modification of a certificate shall also be accompanied by the attestation or documents referred to in the third paragraph where the holder applies for a change of certificate class or for a subclass to be changed or added.

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

O.C. 305-97, s. 38; O.C. 332-2003, s. 12; O.C. 71-2018, s. 11.

39. The fees exigible for the issue of a certificate are \$224. They shall be paid with the application for a certificate, in cash or by means of a postal money order or cheque to the order of the Minister of Finance.

Those fees shall be indexed on 1 January of each year in accordance with the provisions of section 23.

O.C. 305-97, s. 39; O.C. 332-2003, s. 16.

40. The charge exigible for the issue of a duplicate of a certificate is \$5.

O.C. 305-97, s. 40.

41. An application for renewal of a certificate shall be made at least 30 days before it expires, on the form provided by the Minister of Sustainable Development, Environment and Parks.

The application shall include the information prescribed in the second paragraph of section 38, the certificate number, its date of expiry and the documents mentioned in the fourth paragraph of section 38.

O.C. 305-97, s. 41.

42. An application for renewal shall be accompanied by the fees exigible under section 39, in cash or by means of a postal money order or cheque to the order or the Minister of Finance.

O.C. 305-97, s. 42; O.C. 332-2003, s. 16.

42.1. A certificate holder shall, within 30 days, notify the Minister, on the same form as that referred to in section 38, of any change which makes the information furnished for the issue or renewal of the certificate under sections 38 and 41 inaccurate or incomplete.

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

O.C. 990-2023, s. 17.

DIVISION V

CONDITIONS FOR PERFORMING ACTIVITIES AUTHORIZED UNDER PERMITS AND CERTIFICATES

O.C. 305-97, Div. V; O.C. 71-2018, s. 12.

§ 1. — *Restrictions on the sale of certain pesticides*

O.C. 71-2018, s. 13.

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

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

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

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

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

O.C. 305-97, s. 43; O.C. 332-2003, s. 13; O.C. 71-2018, s. 14.

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

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

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

(3) a Class 3A pesticide only to a person who meets either of the following conditions and who provides an agronomic prescription that meets the requirements of section 74.2 or, where applicable, section 74.4 of the Pesticides Management Code (chapter P-9.3, r. 1):

(a) the person holds a Subclass C8 permit;

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

(4) a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam only to a person who meets either of the following conditions and who provides an agronomic prescription that meets the requirements of section 74.2 or, where applicable, section 74.4 of the Pesticides Management Code:

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

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

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

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

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

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

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

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

In force: 2025-07-06

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

(a) Schedule I to the Pesticides Management Code and that are intended to be applied for maintaining green areas to a holder of a Subclass C4 or D4 permit, except if the pesticide is intended to be injected in decorative or ornamental plants or is used in solid form in traps, stations or containers that prevent any contact with a person or a non-target animal;

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

(c) Schedule IV to the Pesticides Management Code and that are intended to be applied for pest management inside residential dwellings to a holder of a Subclass C5 or D5 permit, except if the pesticide is used in solid form in traps, stations or containers that prevent any contact with a person or a non-target animal; and

In force: 2025-01-01

(8) a Class 3B pesticide only to a person who meets either of the following conditions:

(a) the person holds a Subclass C8 permit;

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

O.C. 305-97, s. 44; O.C. 71-2018, s. 14; I.N. 2020-01-01; O.C. 990-2023, s. 19.

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

O.C. 990-2023, s. 20.

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

O.C. 305-97, s. 45; O.C. 71-2018, s. 14.

46. *(Revoked).*

O.C. 305-97, s. 46; O.C. 71-2018, s. 15.

§ 2. — Registers

O.C. 305-97, Div. VI; O.C. 71-2018, s. 16.

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

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

- (1) the date of the purchase or sale, as the case may be;
- (2) in the case of a purchase, the name and address of the supplier and, where applicable, the permit number of the supplier;
- (3) in the case of a sale, the name and address of the customer and, where applicable, the permit number of the customer;
- (4) the name and class of the pesticide purchased or sold and, in the case of a Class 3A or Class 3B pesticide, the name and concentration of its active ingredients;
- (5) in the case of a Class 1 to Class 3, a Class 4 and a Class 5 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;
- (6) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and
- (7) the quantity of pesticide purchased or sold or, in the case of a Class 3A or Class 3B pesticide, the quantity of seeds purchased or sold and the plant species concerned.

O.C. 305-97, s. 47; O.C. 332-2003, s. 14; O.C. 71-2018, s. 17; O.C. 990-2023, s. 21.

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

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

- (1) the date of purchase or sale, as the case may be;
- (2) in the case of a purchase, the name and address of the supplier and, where applicable, the permit number of the supplier;
- (3) in the case of a sale, the name and address of the customer and
 - (a) the permit number if the customer is a permit holder;
 - (b) the certificate number if the customer is a certificate holder; or
 - (c) if, under section 35 of the Pesticides Act (chapter P-9.3), the customer is exempt from the requirement to hold a permit and does not hold a certificate, the certificate number of the customer's employee;
- (4) the name and class of pesticide purchased or sold and, in the case of a Class 3A pesticide, the name of its active ingredients and their concentration expressed in weight of active ingredient per seed weight;
- (5) in the case of a Class 1 to Class 3 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;
- (6) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28);

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

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

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

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

O.C. 305-97, s. 48; O.C. 332-2003, s. 16; O.C. 71-2018, s. 17; I.N. 2020-01-01; O.C. 990-2023, s. 22.

49. A holder of a Class C or Class D permit must, for Class 1 to Class 3A pesticides, keep a register of purchases.

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

(1) the date of purchase;

(2) the name, address and permit number of the supplier;

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

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

(5) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and

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

O.C. 305-97, s. 49; O.C. 332-2003, ss. 15 and 16; O.C. 71-2018, s. 17; I.N. 2020-01-01.

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

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

(1) the date on which the work was performed;

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

(3) the reasons justifying the work;

(4) the name of the certificate holder who performed or supervised the work and the certificate number;

(5) in the case of Class 1 to Class 3 and Class 4 pesticides, the identification of what the treatment was applied to, its area, volume or quantity or, in the case of Class 3A pesticides, the area treated;

(6) the place where the work was performed;

(7) in the case of an aerial application, the wind direction, the name of the pilot and the type and registration number of each aircraft used;

(8) in the case of an application by fumigation, the date and time of each gas content measurement taken during the ventilation period of the place fumigated and the concentration of gas then observed;

(9) the name and class of the pesticide used and, in the case of a Class 3A pesticide, the name of its active ingredients;

(10) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28);

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

(12) in the case of a Class 3A pesticide and, where applicable, a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam, the number of the agronomic justification indicated in the agronomic prescription or, where applicable, the number of the agronomic prescription, the name of the agrologist who signed the prescription and the agrologist's member number in the Ordre des agronomes du Québec.

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

O.C. 305-97, s. 50; O.C. 332-2003, s. 16; O.C. 71-2018, s. 17.

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

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

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

O.C. 305-97, s. 51; O.C. 332-2003, s. 16; O.C. 71-2018, s. 17.

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

O.C. 305-97, s. 52; O.C. 71-2018, s. 17.

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

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

O.C. 305-97, s. 53; O.C. 71-2018, s. 17.

§ 3. — *Declarations*

O.C. 71-2018, s. 17.

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

The declaration must indicate

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

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

The declaration must also indicate

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

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

(3) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and

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

The declaration must be sent to the Minister.

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

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

O.C. 305-97, s. 54; O.C. 71-2018, s. 17.

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

O.C. 990-2023, s. 26.

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

The declaration must indicate

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

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

The declaration must also indicate

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

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

(3) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and

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

The declaration must be sent to the Minister.

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

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

O.C. 305-97, s. 55; O.C. 71-2018, s. 17.

55.1. A holder of a Subclass B1 permit must, not later than 31 January of each year, declare to the Minister the sales of Class 3A pesticide or of pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam made in the preceding year under paragraphs 3 and 4 of section 44.

The declaration must indicate

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

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

For each sale, the declaration must also indicate

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

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

(3) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28);

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

(5) the name, address and number of the permit or certificate of the customer or, where applicable, the number of the certificate of the customer's employee; and

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

The declaration must be sent to the Minister.

This section applies where no pesticide has been sold, except subparagraphs 1 to 3, 5 and 6 of the third paragraph.

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

O.C. 71-2018, s. 17; O.C. 990-2023, s. 28.

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

O.C. 990-2023, s. 29.

DIVISION V.1

MONETARY ADMINISTRATIVE PENALTIES

O.C. 990-2023, s. 29.

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

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

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

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

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

O.C. 990-2023, s. 29.

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

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

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

O.C. 990-2023, s. 29.

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

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

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

O.C. 990-2023, s. 29.

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

O.C. 990-2023, s. 29.

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

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

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

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

O.C. 990-2023, s. 29.

DIVISION VI

OFFENCES

O.C. 305-97, Div. VII; O.C. 71-2018, s. 18.

56. Every person who fails

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

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

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

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

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

O.C. 305-97, s. 56; O.C. 71-2018, s. 19; O.C. 990-2023, s. 30.

57. Every person who fails

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

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

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

O.C. 305-97, s. 57; O.C. 332-2003, s. 17; O.C. 990-2023, s. 30.

58. Every person who fails

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

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

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

O.C. 305-97, s. 58; O.C. 332-2003, s. 17; O.C. 990-2023, s. 30.

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

O.C. 305-97, s. 59; O.C. 332-2003, s. 17; O.C. 990-2023, s. 30.

60. Every person who

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

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

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

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

O.C. 305-97, s. 60; O.C. 990-2023, s. 30.

61. *(Omitted).*



A Class AB “Certificate for the Sale of Pesticides” that has not expired 3 April 2003 remains in force until it expires and shall correspond, with no further formality, to a Class A “Certificate for the Wholesale of Pesticides” and a Class B “Certificate for the Retail Sale of Pesticides”, Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3 Pesticides” and Subclass B2 “Certificate for the Retail Sale of Class 4 Pesticides”. (O.C. 332-2003, s. 21)



A Subclass E4 “Certificate for the Fumigation of Phosphine” that has not expired on 3 April 2003 remains in force until it expires and shall correspond, with no further formality, to the certificate of Subclass E5 “Certificate for the Fumigation of Certain Gases”. (O.C. 332-2003, s. 22)

O.C. 305-97, s. 61.

SCHEDULE I

(Revoked)

O.C. 305-97, Sch. I; O.C. 332-2003, s. 17.

TRANSITIONAL

2023

(O.C. 990-2023) SECTION 31. Class A, Subclass B1 and Subclass C8 permits and Class A, Subclass B1, Subclass CD8, Subclass E1 and Subclass E2 certificates become exigible for a Class 3B pesticide as of 1 January 2025.

SECTION 32. Class A and Subclass C8 permits and Class A, Subclass CD8, Subclass E1 and Subclass E2 certificates issued before 1 January 2025 include a Class 3 B pesticide as of that date, with no further formality.

SECTION 33. A Subclass B1 “Retail Sale of Class 1 to Class 3 Pesticides” permit issued before 1 January 2025 corresponds as of that date to the Subclass B1 “Retail Sale of Class 1 to Class 3B Pesticides” permit and includes Class 3B pesticides, with no further formality.

SECTION 34. A Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3A Pesticides” issued before 1 January 2025 corresponds as of that date to the Subclass B1 “Retail Sale of Class 1 to Class 3B Pesticides” certificate and includes a Class 3B pesticide, with no further formality.

SECTION 35. Classes C and D permits and Class CD certificates issued before 6 July 2023 include Classes 4 and 5 as of that date, with no further formality.

SECTION 36. The activities described in paragraph 11 of section 14 of the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2), as amended by section 10 of this Regulation, paragraph 10 of section 15 of the Regulation respecting permits and certificates for the sale and use of pesticides, as amended by section 11 of this Regulation, and paragraph 11 of section 35 of the Regulation respecting permits and certificates for the sale and use of pesticides, as amended by section 15 of this Regulation, are respectively covered by the Subclass C4 permit, the Subclass D4 permit and the Subclass CD4 certificate until 6 July 2025.

SECTION 37. As of 6 July 2025, a Subclass C11 or D11 “Other Applications” permit issued before that date becomes a Subclass C12 or D12 “Other Applications” permit and a Subclass CD11 “Certificate for Other Applications” issued before that date becomes a Subclass CD12 “Certificate for Other Applications”, with no further formality.

2018

(O.C. 71-2018) SECTION 20. Class A, Subclass B1 and Subclass C8 permits and Class A, Subclass B1, Subclass CD8, Subclass E1 and Subclass E2 certificates become exigible for Class 3A pesticides on 8 September 2018.

SECTION 21. A Class A permit and Class A and Subclass E2 certificates issued before 8 September 2018 include Class 3A pesticides as of that date, with no further formality.

SECTION 22. Subclass B1 and Subclass C8 permits and Subclass B1, Subclass CD8 and Subclass E1 certificates issued between 8 March 2018 and 8 September 2018 include Class 3A pesticides as of 8 September 2018, with no further formality.

SECTION 23. A Subclass B1 “Retail Sale of Class 1 to Class 3 Pesticides” permit issued before 8 March 2018 corresponds as of that date to the Subclass B1 “Retail Sale of Class 1 to Class 3A Pesticides” permit and includes Class 3A pesticides as of 8 September 2018, with no further formality.

SECTION 24. A Subclass C5 permit and a Subclass D5 permit issued before 8 March 2018 authorize the holder to carry on, according to the Subclass permit, the activities referred to in subparagraph 5 of the first paragraph of section 14 or paragraph 5 of section 15 of the Regulation respecting permits and certificates for the sale and use of pesticides, as they read on 7 March 2018 until the expiry date of the permit validity period.

SECTION 25. A Subclass C6 permit and a Subclass D6 permit issued before 8 March 2018 include sulfuric fluoride as of that date, with no further formality.

SECTION 26. A Subclass C8 “Application on Cultivated Land” permit issued before 8 March 2018 corresponds as of that date to the Subclass C8 “Application on Cultivated Land” permit and includes Class 3A pesticides as of 8 September 2018, with no further formality.

SECTION 27. A Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3 Pesticides” issued before 8 March 2018 corresponds as of that date to the Subclass B1 “Retail Sale of Class 1 to Class 3A Pesticides” certificate and includes Class 3A pesticides as of 8 September 2018, with no further formality.

SECTION 28. A Subclass CD8 “Certificate for Application on Cultivated Land” issued before 8 March 2018 corresponds as of that date to the Subclass CD8 “Certificate for Application on Cultivated Land” and includes Class 3A pesticides as of 8 September 2018, with no further formality.

SECTION 29. A Subclass E1 certificate issued before 8 March 2018 includes as of that date Class 3 pesticides and Class 3A pesticides as of 8 September 2018, with no further formality.

SECTION 30. A Subclass E1.1 “Farm Producer’s Certificate for the Application of Class 3 Pesticides” issued before 8 March 2018 corresponds as of that date to the Subclass E1 “Farm Producer’s Certificate” and includes the Class 1 and Class 2 pesticides as of 8 March 2018 and Class 3A pesticides as of 8 September 2018, with no further formality.

SECTION 31. A Subclass E5 certificate issued before 8 March 2018 includes sulfuric fluoride as of that date, with no further formality.

UPDATES

O.C. 305-97, 1997 G.O. 2, 1251

O.C. 332-2003, 2003 G.O. 2, 1270

O.C. 488-2017, 2017 G.O. 2, 1429

O.C. 71-2018, 2018 G.O. 2, 671

S.Q. 2018, c. 23, s. 811

O.C. 816-2021, 2021 G.O. 2, 2103

O.C. 990-2023, 2023 G.O. 2, 1248

