



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 139

An Act to amend the Pesticides Act

Introduction

**Introduced by
Mr Pierre Paradis
Minister of the Environment**

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EXPLANATORY NOTES

The object of this bill amending the Pesticides Act is to make certain changes to the definition of the term “pesticide”, to the provisions dealing with permit holders, certificates and permits to use and sell pesticides and to the regulatory powers of the Government.

Thus, the bill amends the definition of the term “pesticide”, to exclude medications other than prescribed topical medications.

The bill extends the valid period of permits from two to three years and the valid period of certificates from three to five years, eliminates temporary sale permits, increases the valid period of other temporary permits to one year and specifies that the exemption from the requirement to hold a permit does not apply to work carried out from the air and that the exemption pertaining to agriculture does not apply to certain agricultural activities.

In addition, the bill provides that the enactment of a regulation under the Pesticides Act renders inoperative any regulatory provision concerning the same matter enacted by a municipality or urban community, except where that provision concerns landscaping or extermination activities and has the effect of further protecting the environment and the health of human beings or other living species.

Moreover, this bill removes the requirement to make separate regulations applicable to farmers and to forest managers.

Lastly, the bill amends certain regulatory powers of the Government, notably to introduce the power to require that a person who stores pesticides be covered by civil liability insurance.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Pesticides Act (R.S.Q., chapter P-9.3) is amended by replacing the words “medication or” in the sixth line by the words “, other than a topical medication determined by regulation, or a”.

2. Section 35 of the said Act is amended by adding, at the end, the following paragraph:

“The exemptions provided for in subparagraphs 2 and 3 of the first paragraph do not apply to work carried out by means of an aircraft. The exemption provided for in subparagraph 3 of the same paragraph does not apply to work carried out on rooted plants cultivated for landscaping and ornamental purposes in a place not included in an agricultural operation.”

3. Section 38 of the said Act is amended

(1) by inserting the words “for the carrying out of work” after the word “permit” in the first line of the first paragraph;

(2) by adding, after the first paragraph, the following paragraph:

“A sale permit shall be issued to any person who meets the conditions set out in subparagraphs 2 to 8 of the first paragraph.”

4. Section 39 of the said Act is amended

(1) by replacing the words “two-year” in the first line of the first paragraph by the words “three-year”;

(2) by inserting the words “governing the issue of permits, to the extent that they apply to the permit concerned” after the figure “38” in the second line of subparagraph 1 of the first paragraph.

5. Section 40 of the said Act is amended by replacing the word and figure “6 months” in the second line of the first paragraph by the words “one year, for the carrying out of work,”.

6. Section 46 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The Minister may require of any permit holder that he transmit to him, within the time and on the conditions fixed, all or part of the information recorded in the registers prescribed under the first paragraph concerning the nature, origin, properties, quantities and destination of the pesticides received, sold or used by the permit holder.”

7. Section 55 of the said Act is amended by replacing the words “three-year” in the first line of the first paragraph by the words “five-year”.

8. Section 102 of the said Act is replaced by the following section:

“102. The Pesticide Management Code and any other regulation enacted pursuant to this Act shall render inoperative any regulatory provision concerning the same matter enacted by a municipality or an urban community, except where the provision

- concerns landscaping or extermination activities, such as fumigation, as defined by government regulation, and

- prevents or further mitigates harmful effects on the health of humans or of other living species or damage to the environment or to property.”

9. Sections 103 and 108 of the said Act are repealed.

10. The said Act is amended by inserting, after section 105, the following section:

“105.1 The Pesticide Management Code may require a person who stores pesticides of a determined category or in a determined quantity to subscribe civil liability insurance, the kind, extent, duration, amount and other applicable conditions of which are

determined in the said Code, and furnish proof thereof to the Minister.”

11. Section 109 of the said Act is amended

(1) by inserting, after paragraph 1, the following paragraph:

“(1.1) determine what topical medications are considered pesticides;”;

(2) by replacing paragraph 10 by the following paragraph:

“(10) indicate the registers that must be kept by all or some of the permit holders and determine the conditions which apply thereto;”;

(3) by inserting, after paragraph 11, the following paragraph:

“(11.1) determine the landscaping, extermination or fumigation activities contemplated by section 102;”.

12. The period of validity of a permit or certificate fixed in sections 4 and 7 of this Act shall apply to current permits or certificates only from the date of their renewal.

13. The provisions of this Act will come into force on the date or dates fixed by the Government.