

Pesticides

About Pesticides

Statement, Directory and Guides

Legal and Regulatory Framework

Ministerial Actions regarding
Pesticides

Permits and Certificates

Pesticides Management Code

Pesticide Wastes (French)

SAGÉ Pesticides

Sectors of Activity

The Pesticides Management Code

Protecting the environment and health in agricultural areas

Updating: May 2006

- › The *Pesticides Management Code* introduces stringent regulations controlling the storage, sale and use of pesticides. The adopting of the Code is among the initiatives undertaken by the government of Québec to reduce the health and environmental risks that these products entail. As regards the agricultural sector, these regulations are designed to ensure that farm producers use pesticides with all the necessary prudence and precautions. Although the *Pesticides Management Code* has been in force since April 3, 2003, certain regulations will enter into effect over the next five years.



Pesticides are commonly used to combat pests, undesirable plants and certain diseases, and they are most extensively used in the agricultural sector, which accounts for nearly 80 percent of total pesticide sales in Québec.

The use of pesticides in agricultural areas may cause water, air and soil contamination and thus represents a risk to public health, including the health of your family, friends and neighbours. Surface water and groundwater sampling programs, undertaken by the Ministère du Développement durable, de l'Environnement et des Parcs in regions characterized by intensive potato, corn and soybean cultivation, have led to regular detection of pesticides in the wells and river water sampled.

Moreover, the results of a recent study of pesticide use in apple orchards have revealed that when pesticides are applied, residues are transported beyond the target areas to be discovered in the air and on the soil of neighbouring land.

- [The Pesticides Management Code and you](#)
- [Amendments to the Regulation respecting permits and certificates for the sale and use of pesticides](#)
- [Do you use pesticides in an agricultural setting?](#)
- [Sampling programs and Ministère du Développement durable, de](#)

[l'Environnement et des Parcs reports](#)

- [Reference document](#)

The *Pesticides Management Code* and you

These new regulations affect the storage, preparation and application of pesticides in agricultural areas. Permit and certificate holders targeted by the [Regulation respecting permits and certificates for the sale and use of pesticides](#) as well as farmers who use Class 3 pesticides, even if the latter have not yet been certified by the Ministère, must comply with the regulations of the Code.

Permit and certificate holders from the agricultural sector who are targeted by the pesticide regulations are as follows:

- holders of Class C "Remunerated Work," and Class D "Non-Remunerated Work" permits:
 - Subclasses C1 and D1 "Aerial Application;"
 - Subclasses C6 and D6 "Application by Fumigation;"
 - Subclasses C8 and D8 "Application on Cultivated Land;"
 - Subclasses C10 and D10 "Application in Buildings for Horticultural Purposes;"
- holders of the following certificates:
 - Class CD "Application of Pesticides,"
 - Subclass CD1 "Aerial Application;"
 - Subclass CD6 "Application by Fumigation;"
 - Subclass CD8 "Application on Cultivated Land;"
 - Subclass CD10 "Application in Buildings for Horticultural Purposes;"
 - Class E "Farmer's Certificate for the Application of Pesticides," subclasses E1, E1.1, E2, E3 and E5.

It should be noted that the farmer who does, or offers to do, non-remunerated agricultural work is not required to obtain a Subclass C8 permit, but must nevertheless obtain a Class E certificate, if required, and comply with the regulations of the Code.

[Pesticide classifications](#) are established according to the *Regulation respecting permits and certificates for the sale and use of pesticides*. They differ from the federal classifications.

FEDERAL CLASSIFICATION	QUÉBEC CLASSIFICATION
Pesticides for restricted use	Classes 1 and 2
Pesticides for commercial, agricultural or industrial use	Class 3
Pesticides for domestic use	Classes 4 and 5

Farmers who make domestic use of pesticides as ordinary citizens may also be targeted by the Code. There are, however, fewer requirements in this regard.

Storage regulations

- Class 1 to Class 4 pesticides must be stored in premises where the ambient conditions are not likely to alter the product or its container, and in such a

manner that its contents are not released into the environment. However, this requirement does not apply to a Class 4 pesticide stored for personal use or for another person free of charge (e.g., an exchange of services).

- A sign indicating the list of certain services (e.g., the Centre anti-poison du Québec) and their telephone numbers must be posted in a conspicuous place near the entrance to the storage premises. However, this requirement does not apply to a Class 4 pesticide stored for personal use or for another person free of charge (e.g., an exchange of services).
- 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.
- A person who stores Class 1, Class 2, Class 3 or Class 4 unprepared or undiluted pesticides in quantities equal to or greater than 1,000 litres or 1,000 kilograms must immediately notify [Urgence-Environnement](#) in the event of pesticide fire, and specify at that time the nature of the stored pesticides and the approximate quantity stored on the premises.
- The storage of Class 1, Class 2 or Class 3 pesticides within a flood area that is mapped or identified in a development plan or a metropolitan land use planning and development plan or in a municipal zoning by-law is subject to the following conditions:

- Within a flood area having a flood recurrence interval of **0 to 20 years**

It is prohibited to store pesticides in this area.

However, this prohibition did not apply to existing storage sites for a period of two years, i.e., until April 3, 2005. Since that date, pesticides must be stored on such premises only if they are placed higher than the highest level reached by water in a 100-year interval flood, failing which the storage site must be moved outside the flood area.

Within a flood area having a flood recurrence interval of **20 to 100 years**

It is prohibited to store pesticides in this area, except under the following conditions:

- the quantity of stored pesticides is less than 100 litres or 100 kilograms;
- the quantity of stored pesticides is equal to or greater than 100 litres or 100 kilograms and the storage time is less than 15 consecutive days;
- the pesticides are stored higher than the highest level reached by water in a 100-year interval flood.

This prohibition did not apply to existing storage sites for a period of two years, i.e., until April 3, 2005. Since that date, pesticides must be stored on such premises only if one of the above-mentioned conditions applies, failing which the storage site must be moved outside the flood area.

- Class 1, Class 2 and Class 3 unprepared or undiluted pesticides must be stored 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

kilograms of these pesticides for a period longer than 15 consecutive days, particularly pesticides stored on application sites or close to buildings.

A containment works is a floor, platform or watertight basin built so as to contain and allow for the complete recovery of any pesticide leak or spillage.

Do you need civil liability insurance?

A civil liability insurance contract is required under the *Pesticides Management Code* for premises with a storage capacity greater than 10,000 litres or 10,000 kilograms for Class 1 to Class 4 unprepared or undiluted pesticides. The contract must include a provision under which the insurer undertakes to notify the Ministère du Développement durable, de l'Environnement et des Parcs within 48 hours following the revocation, cancellation, termination or modification of the insurance contract coverage.



Regulations governing pesticide preparation and application

- The preparation and application of any pesticide must be carried out in accordance with the manufacturer's instructions appearing on the label. Where the instructions and a provision of the *Pesticides Management Code* are inconsistent, the more restrictive of the two applies.
- Adequate equipment and material must be available on premises where pesticides are loaded or prepared capable of stopping any leak or release of pesticides and, if required, of cleaning the premises. In the event of such a leak or release, measures must immediately be taken to stop the leak or release and clean the premises. The person loading or preparing the pesticides must remain on site throughout the operations.
- Since April 3, 2005, the unloading of unprepared or undiluted pesticides from a mobile tank or from the tank of equipment used for pesticide application, with the exception of an aircraft, must be carried out in a containment works.

What is a tank or mobile tank?

The term "**tank**" is used here to designate a tank with a capacity of 1,000 litres or more, permanently installed and used to store Class 1 to Class 4 liquid pesticides.

The term "**mobile tank**" is used here to designate a tank with a capacity of 1,000 litres or more that is used to store Class 1 to Class 4 liquid pesticides, that can be attached to a truck, trailer or semi-trailer and that can be moved. Mobile tanks are used, for example, by pesticide distributors.

- The water supply system used in pesticide preparation must be designed to prevent pesticide backflow to the water supply source (anti-backflow system).
- 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.
- A person applying pesticides must ensure that no person other than a person participating in the application is present on the application premises or is exposed to pesticides.
- Birdseed treated with an avicide and left for harmful birds must be placed in a

feeder equipped with a device preventing the wind from carrying the seed away. The feeder must bear a sign providing specific information.

- A person who is to carry out a fumigation in a location where air is confined (e.g., buildings, trailers, cattle cars, grain elevators, silos, greenhouses, or under tarpaulins other than tarpaulins used on crops or on soil in fields) must first ensure that no animals or humans remain in the premises, to avoid their being exposed to the fumigant. Fumigation that releases gas may be carried out only if all openings have been sealed. In addition, the person must seal and post a sign on each entrance to the premises to be treated, prohibiting access before the specified dates.
- The use of **strychnine** and **DDT** is prohibited.

NB: Certain requirements apply to companies offering services involving the application of pesticides by aircraft. A person who intends to apply pesticides must, before any application, identify the limits of the application areas at ground level, indicating where applications are permitted and prohibited, unless a flight line guidance system is to be used for such purposes. In addition, the pilot or the person authorized to supervise the application from another aircraft must have a map or aerial photograph at hand showing the areas where pesticide applications are permitted and prohibited. The map or aerial photograph must cover a 300-metre strip around the pesticide application area.



Application distance requirements

In agricultural areas, application distances are prescribed for watercourses, bodies of water and ditches for applications of pesticides on the ground or by aircraft. These distances vary according to the dimensions of the watercourse or ditch in question:

- watercourses or ditches where the total flow area (average width multiplied by average height) is greater than 2 m²;
- watercourses or ditches where the total flow area is 2 m² or less.

NB: The application distances from watercourses and ditches to be respected during ground applications of pesticides are the same as those required under the *Regulation respecting agricultural activities*.

In the case of aerial applications for agricultural purposes, a watercourse does not include an intermittent watercourse, and the application distances are greater for sections of a watercourse of more than four metres in width.

The relative distance from a watercourse is measured from the normal high water mark of the watercourse, and the relative distance from a ditch is measured from its edgeline.

The normal high water mark

An easy way to establish the normal high water mark is to determine the place where there is a change from a predominance of aquatic plants to a predominance of terrestrial plants. Thus the high water mark corresponds to the place where nature itself has established this point of balance between aquatic and terrestrial vegetation.


A few definitions:

A “**watercourse or body of water**” includes streams, small and large rivers, lakes, intermittent watercourses, ponds, marshes, swamps and peat bogs, and excludes ditches, municipal aerated ponds and artificial lakes without any outlet.

A “**catchment works**” includes facilities used for the production of spring water or mineral water, the supply of a waterworks, catchment works designed for surface water intake for water intended for human consumption or any other groundwater catchment works.

“**Protected immovables**” include, among others, built-up lots situated within an urban area and land on which are situated sports centres, recreation centres, camping establishments, parks, public beaches and golf clubs. Outside urban areas, protected immovables include residential dwellings, public buildings or any other administrative or commercial building or tourist accommodation establishment, including a 30-metre strip around such buildings.

As regards the protection of protected immovables, application distances are required for applications by aircraft and on the ground with air-blast or pneumatic sprayers. The latter are generally used for orchards and Christmas tree plantations. These requirements will be in force at the conclusion of a five-year period.

The [table 1](#) ( PDF, 78 Ko) provides a summary of the application distances to be respected in agricultural areas according to the premises where pesticide storage, preparation and application (on the ground or by aircraft) activities are carried out.

NB: If you are planning to apply pesticides in a forest area (e.g., a farm woodlot), please note that certain specific rules apply. For more information on this subject, please check with [your regional](#) office of the Ministère du Développement durable, de l'Environnement et des Parcs.



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

The *Regulation respecting permits and certificates for the sale and use of pesticides* includes requirements pertaining to agricultural areas. Currently, farmers with a farm producer's card must hold a qualification certificate (E1) to use Class 1 and Class 2 pesticides in non-commercial agricultural work. The amendments that will come into force on April 3, 2005, have broadened the scope of the Regulation to include the certification of all farm producers who use Class 3 pesticides. Thus, all farmers who use Class 3 pesticides in their work will have to hold a Subclass E1.1 certificate. However, this requirement will come into effect over a three-year period: April 3, 2005, for farmers whose last names begin with the letters A to D; April 3, 2006, for letters E to L; and April 3, 2007, for letters M to Z. The requirements remain the same for ordinary farmers (those without a farm producer's card); the latter must hold a Subclass E2 certificate to use Class 1, Class 2 and Class 3 pesticides.

In order to obtain a qualification certificate, farm producers and ordinary farmers must pass an examination designed to measure their knowledge of the health and environmental risks of pesticides and of the integrated pest management approach,

as well as the best ways to handle pesticides during use. Training is optional; however it does enable all interested parties to acquire the knowledge required to pass the examination.

A course is offered by the [SOFAD](#) (school board distance training organization). For more information about this training option, contact the SOFAD's Customized Services at (514) 529-2801, or by E-mail at info.surmesure@sofad.qc.ca.

Do you use pesticides in an agricultural setting?

Any person applying pesticides, whether you, your employee or a person hired for this end, must comply with all pesticides regulations.

Use of pesticides in an aquatic environment (ditches, marshes, etc.)

Did you know that you require an authorization certificate from the Ministère du Développement durable, de l'Environnement et des Parcs in order to use pesticides in any aquatic environment with an aboveground outlet?

With this regulatory requirement, the Ministère du Développement durable, de l'Environnement et des Parcs ensures that measures will be taken to minimize risks, among them the risk of contamination occurring downstream from the pesticide application area.

Sampling programs and Ministère du Développement durable, de l'Environnement et des Parcs reports

[Account of Pesticide Sales in Québec](#)

Brochure "[Les pesticides dans la culture de la pomme de terre](#)"

Brochure and report "[L'utilisation des pesticides dans le maïs et le soya](#)"

Report "[Concentration d'hexazinone dans des prises d'eau potable près de bleuetières du Saquenay-Lac-Saint-Jean](#)"

Report "[L'utilisation des pesticides dans les vergers de pommiers](#)"

Reference document

Desrosiers, R., Bourque, J.-F., Brochu, Y., Duchesne, R.-M., Gingras, B., Laurin, Y. and M. Letendre. *Pesticides et agriculture - bons sens, bonnes pratiques*, 2nd ed., Les publications du Québec, Sainte-Foy (Québec), 2003, 87 pages.

If someone close to you becomes ill from pesticides

Guide the individual in question to a well-ventilated area and ask him/her to lie down on his/her side.

Then contact the **Centre anti-poison du Québec, at 1 800 463-5060 (toll free telephone emergency, 24 hours a day, 7 days a week) or in the Québec City area (local call) at (418) 656-8090**, and follow

their instructions to the letter. If the person's condition appears serious, go to the hospital immediately, making sure to bring the label of the product in question.

The information provided in this document is in no way meant to replace the text of the [Pesticides Management Code](#). The full text is published in the March 19, 2003, edition of the Gazette officielle of Publications du Québec.

“Avoid pesticides ... a natural thing to do.”



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