

EC2004-619

**ENVIRONMENTAL PROTECTION ACT
ENVIRONMENTAL RECORDS REVIEW REGULATIONS**

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

- 1. In these regulations** Definitions
- (a) “Act” means the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9; Act
- (b) “associated property” means, in respect of a principal property, a property that is contiguous or adjacent to a principal property; associated property
- (c) “environmental records review” means a review conducted under subsection 3(1) of the records maintained or held by the Department respecting a principal property and associated properties listed in an application; environmental records review
- (d) “principal property” means the property that is the principal subject of an environmental records review application under subsection 2(1); principal property
- (e) “property” means a parcel of land in the province that has a property identification number assigned by the Provincial Treasury. property
- 2. (1)** A person who wishes to request an environmental records review shall submit an application to the Minister in the form set out in the Schedule, together with the fees required by subsection (2). Application
- (2) The fees for an environmental records review are payable to the Provincial Treasurer in the amount of Fees
- (a) \$50 for each principal property reviewed; and
- (b) \$20 for each associated property reviewed.
- 3. (1)** On receipt of an application made in accordance with section 2, the Minister shall cause an employee of the Department to conduct a review of the Department’s records for the information respecting the principal property and associated properties listed in the application that is required to be reported to an applicant under subsection (2). Conduct of review
- (2) An employee of the Department who conducts a review of the Department’s records pursuant to subsection (1) shall, within 15 business days, issue a report to the applicant containing the following information, if available in the Department’s records, concerning the principal and associated properties listed in the application: Report
- (a) whether the records show that any of the properties
- (i) contain any petroleum storage tanks,
- (ii) contain any out of service petroleum storage tanks, or
- (iii) previously contained any petroleum storage tanks;
- (b) if subclause (a)(i) or (a)(ii) applies,
- (i) the size of the petroleum storage tank,
- (ii) whether the petroleum storage tank is or was an aboveground or underground storage tank,
- (iii) a description of the material used in the construction of the petroleum storage tank, and
- (iv) the year in which the petroleum storage tank was installed, and, if applicable, the year in which it was removed;

- (c) the status of any permits, orders or approvals under the Act issued in respect of the properties including any
- (i) orders made by the Minister,
 - (ii) orders or approvals made under section 9 of the Act,
 - (iii) excavation pit permits,
 - (iv) watercourse alteration permits, and
 - (v) air quality permits;
- (d) whether there have been any contaminant spills affecting the properties;
- (e) whether the records show that hazardous waste has been transported to or from the properties; and
- (f) whether the property reviewed is entered in the contaminated site registry maintained by the Department under section 21.1 of the Act.

4. These regulations come into force on November 13, 2004.

Commencement

[Department logo]

SCHEDULE

FORM 1

ENVIRONMENTAL RECORDS REVIEW APPLICATION

Personal information on this form is collected under clause 31(c) of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01 as it relates directly to and is necessary for a request for an environmental records review and will be used for the purpose of contacting the client. If you have any questions about this collection of personal information, you may contact the Field Supervisor, Pollution Prevention Division, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5474.

Applicant Information		
Company Name:	Phone:	
Contact Name:	Fax:	
Mailing Address:		
Community:	Province:	Postal Code:
Client Project Number (if applicable):		

Property Information	
Parcel identification numbers (PIDs) for which information is requested:	
Principal Property PIDs	Associate Property PIDs

Applicant Signature: _____ Date: _____

The fee for an environmental records review is as follows:

- \$50 for each principal property (PID); and
- \$20 for each associate property (PID).

Payment must be received before the request will be processed.

Method of Payment

(Check appropriate box)

Cheque

Money Order

Cash (hand delivery only)

Amount Enclosed: \$ _____

Please forward application and payment to:

Department of Environment and Energy
 Field Supervisor, Pollution Prevention Division
 PO Box 2000, 11 Kent Street
 Charlottetown, PE C1A 7N8
 Fax: (902) 368-5830

**Cheques and money orders should be made payable to the Provincial Treasurer.
 Allow approximately three weeks for report.**

EXPLANATORY NOTES

SECTION 1 is the definitions section.

SECTION 2 deals with the application for an environmental records review and the fees payable and provides for the application form as set out in the Schedule.

SECTION 3 provides for the contents of a report in response to an application for an environmental records review.

SECTION 4 provides for the commencement of these regulations.

EC2004-620

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2003/04)
P.E.I. LENDING AGENCY

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Operating Fund for the P.E.I. Lending Agency as follows:

Account Class	Account Name	Amount
0174-04279	Operations - Crown Corporations	\$ <u>3,722,700.00</u>

EC2004-621

FINANCIAL ADMINISTRATION ACT
COMMUNITIES 13 INC.
GUARANTEE OF LOAN

Having under consideration the recommendation of Treasury Board (reference Minute TB212/04 of 27 October 2004), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to guarantee payment of a demand loan by Communities 13 Inc. (hereinafter referred to as "the borrower") in an amount not exceeding three hundred and twenty-three thousand, two hundred and twenty-five dollars (\$323,225.00) (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at the monthly prime rate to the Metro Credit Union of Charlottetown, Prince Edward Island (hereinafter referred to as "the lender"), from the 2nd day of November, 2004 through to and including 1700 hours on the 30th day of November 2005, the said guarantee to be subject to and conditional upon the following terms and conditions:

1. The guaranteed indebtedness, including interest, shall be due and payable in full by the borrower no later than the 30th day of November 2005.
2. Any advances made by the lender after the 30th day of November 2005 shall not form part of the guaranteed indebtedness.
3. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 30th day of November 2005 regardless of any advances that may have been made by the lender to the borrower unless on or

before the 30th day of November 2005, notice has been given to the Government of Prince Edward Island, as represented by the Provincial Treasurer that the borrower has defaulted in repayment of the guaranteed indebtedness to the lender, and calling upon the Provincial Treasurer to pay the lender pursuant to the guarantee. The written notice shall include a copy of the written demand given by the lender to the borrower calling upon the borrower to pay the balance in full.

4. Government shall be entitled at any time to terminate the guarantee by paying to the lender such amount of the guaranteed indebtedness as may be owing by the borrower to the lender and the lender shall assign to the government all security the lender holds in connection with the guaranteed indebtedness.

5. The Provincial Treasurer may add such further terms and conditions to the guarantee as he considers appropriate.

6. The guarantee shall not become effective until the lender has agreed in writing to the terms and conditions herein contained and those imposed by the Provincial Treasurer pursuant to paragraph 5 above. The guaranteed indebtedness shall not include any advances made by the lender prior to the agreement by the lender with the terms and conditions herein contained and those imposed by the Provincial Treasurer.

EC2004-622

FIRE PREVENTION ACT CODES AND STANDARDS ORDER REGULATIONS AMENDMENT

Pursuant to subsection 24(2) of the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11, Council, on the recommendation of the Minister, made the following regulations:

1. Clause 1(a) of the *Fire Prevention Act* Codes and Standards Order (EC16/85) is revoked and the following substituted:

- (a) 2003 edition of the National Fire Protection Association's NFPA 1 Uniform Fire Code;
- (a.1) 2003 edition of the National Fire Protection Association's NFPA 101 Life Safety Code;

2. Section 2 of the Order is revoked and the following substituted:

2. Any provision of an electrical or building construction safety Code that is referred to in any provision of the Uniform Fire Code or Life Safety Code referred to in clauses 1(a) and (a.1)

Related electrical and building codes

- (a) is declared to be in force in the province; and
- (b) shall be enforced by the Fire Marshall under the *Fire Prevention Act*,

to the extent necessary to give effect to any provision of the Uniform Fire Code or Life Safety Code that refers to the provision of such an electrical or building construction safety Code.

3. These regulations come into force on November 13, 2004

EXPLANATORY NOTES

These amendments adopt the 2003 edition of the National Fire Protection Association's NFPA 1 Uniform Fire Code and NFPA 101 Life Safety Code. As these Codes refer to various electrical and building codes, the amendments clarify that the provisions of these other codes apply only to the extent necessary to give effect to a provision of the NFPA 1 Uniform Fire Code or the NFPA 101 Life Safety Code.

EC2004-623

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WILLIAM H. MURRELL
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to William H. Murrell of Lake Wales, Florida to acquire an interest in a land holding of approximately one thousand two hundred and fifty-one decimal eight four (1,251.84) acres of land in Lots 54, 55 and 56, Kings County, Province of Prince Edward Island, being acquired from the P.E.I. Lending Agency, Mortgagee in possession of lands mortgaged to P.E.I. Lending Agency by Silver Blue Ltd., of Charlottetown, Prince Edward Island.

EC2004-624

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
6272479 CANADA INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 6272479 Canada Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately one thousand, two hundred and fifty-one decimal eight four (1,251.84) acres of land in Lots 54, 55 and 56, Kings County, Province of Prince Edward Island, being acquired from the P.E.I. Lending Agency, Mortgagee in possession of lands mortgaged to P.E.I. Lending Agency by Silver Blue Ltd., of Charlottetown, Prince Edward Island.

Further, Council noted that the said land holdings, being Provincial Property Nos. 154005, 154252, 154971, 155861, 155879, 155945, 155986, 165035, 824326, 828418, 828426, 828434, 828442, 828459, 828467, 828475, 828483, were previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

EC2004-625**PRINCE EDWARD ISLAND LANDS PROTECTION ACT
EXEMPTION REGULATIONS
AMENDMENT**

Pursuant to subsection 17(1) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council made the following regulations:

1. The *Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88)* are amended by the addition of the following after section 28:

29. The following properties being acquired by the Atlantic Lottery Corporation Inc. and totalling approximately 26.90 acres a little more or less are exempt from the application of section 5 of the Act:

Atlantic Lottery Corporation

- (a) property at Charlottetown, owned by the Charlottetown Driving Park and Provincial Exhibition Association, approximately 22.34 acres, having Provincial Property Number 278739;
- (b) property at Charlottetown, owned by the Charlottetown Driving Park and Provincial Exhibition Association, approximately 4.52 acres, having Provincial Property Number 365684;
- (c) property at Charlottetown owned by the Government of Prince Edward Island and the P.E.I. Canada Games Complex Inc., approximately 233 feet by 8 feet, being part of Provincial Property Number 278739.

2. These regulations come into force on November 2, 2004.

EXPLANATORY NOTES

These amendments to the regulations exempt the properties listed from section 5 of the *Prince Edward Island Lands Protection Act*.

EC2004-626**PRINCE EDWARD ISLAND LANDS PROTECTION ACT
STATEMENT OF REASONS
FOR AN EXEMPTION
IN RESPECT OF THE ACQUISITION OF LAND BY
ATLANTIC LOTTERY CORPORATION INC. -
SOCIÉTÉ DES LOTERIES DE L'ATLANTIQUE INC.**

Pursuant to subsection 17(2) of the *Prince Edward Island Lands Protection Act*, R.S.P.E.I. 1988, Cap. L-5, Council authorized the following statement to be tabled in the Legislative Assembly:

STATEMENT

1. Description of the undertaking in respect of which the exemption was granted:

The exemption was granted in respect of the acquisition by Atlantic Lottery Corporation Inc. - Société des Loteries de l'Atlantique Inc. of approximately 26.90 acres, being all the lands of The Charlottetown Driving Park and Provincial Exhibition Association.

The lands owned by The Charlottetown Driving Park and Provincial Exhibition Association are as follows: property #278739 and #365684 being located at Charlottetown in Queens County, Province of Prince Edward Island

together with a release of a 30 foot wide right-of-way and a parcel of land measuring approximately 233 feet by 8 feet owned by the Government of Prince Edward Island as represented by the Minister of Transportation and Public Works and the P.E.I. Canada Games Complex Inc.

2. Reasons for the exemption:

It was necessary to complete the transfer of lands so that construction of the new Harness Racing Entertainment Centre could begin immediately and be completed prior to Old Home Week 2005. This construction could not occur within the time limits if the exemption was not granted. Failure to complete construction on time would reduce attendance, create a negative customer experience and reduce the overall economic impact of the Old Home Week attraction.

EC2004-627

LEGISLATIVE ASSEMBLY
(FIRST SESSION, SIXTY-SECOND GENERAL ASSEMBLY)
PROROGATION

It was ORDERED that a Proclamation be issued proroguing the First Session of the Sixty-second General Assembly of the Province, said Proclamation to be dated the 2nd day of November 2004.

EC2004-628

LEGISLATIVE ASSEMBLY
(SECOND SESSION, SIXTY-SECOND GENERAL ASSEMBLY)
PROCLAMATION TO CONVENE

Council ORDERED that the Legislative Assembly of this Province be called to meet for the Despatch of Business on Thursday, the 18th day of November A.D. 2004 at the hour of three o'clock in the afternoon and that a proclamation be issued forthwith.

EC2004-629

LIQUOR CONTROL ACT
APPROVAL TO BORROW
RE: LIQUOR CONTROL COMMISSION HEAD OFFICE AND WAREHOUSE

Pursuant to clause 7(g) of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14 Council granted approval to the Prince Edward Island Liquor Control Commission to borrow up to \$300,000.00 from the Provincial Treasurer to undertake repairs to the Liquor Control Commission Head Office and Warehouse.

EC2004-630

**LOTTERIES COMMISSION ACT
PRINCE EDWARD ISLAND LOTTERIES COMMISSION
APPOINTMENT**

Pursuant to subsection 2(2) of the *Lotteries Commission Act* R.S.P.E.I. 1988, Cap. L-17 Council made the following appointment to the Prince Edward Island Lotteries Commission:

NAME	TERM OF APPOINTMENT
as member	
Michael L. O'Brien Charlottetown (vice Stirling (Ginger) Breedon, retired)	12 October 2004 at pleasure

EC2004-631

**MEDICAL ACT
COUNCIL OF THE COLLEGE OF PHYSICIANS AND SURGEONS
OF PRINCE EDWARD ISLAND
APPOINTMENT**

Pursuant to clause 7(1)(c) of the *Medical Act* R.S.P.E.I. 1988, Cap. M-5 Council made the following appointment:

NAME	TERM OF APPOINTMENT
Betty Robertson Summerside (vice Harry MacConnell, term expired)	16 September 2004 to 16 September 2007

EC2004-632

**OCCUPATIONAL HEALTH AND SAFETY ACT
REGULATIONS
AMENDMENT**

Pursuant to section 46 of the *Occupational Health and Safety Act* R.S.P.E.I. 1988, Cap. O-1.01, Council made the following regulations:

1. The title of the *Occupational Health and Safety Act Regulations* (EC180/87) is amended by the addition of the word "GENERAL" before the word "REGULATIONS".

2. The regulations are amended by the addition of the following after section 1.6:

1.7 (1) These regulations do not apply to a workplace that is an agricultural operation conducted on farmland. Application of Regulations

(2) The Act does not apply to a workplace that is an agricultural operation conducted on farmland. Application of Act

(3) In this section, Definitions

- (a) “agricultural operation” includes the production activity agricultural operations conducted, or service provided, by a bona fide farmer in relation to
- (i) berry farming,
 - (ii) Christmas tree culture,
 - (iii) dairy farming,
 - (iv) egg farming,
 - (v) grain and oilseed production,
 - (vi) orchards,
 - (vii) poultry farming,
 - (viii) a riding academy or the boarding or breeding of horses,
 - (ix) seed production,
 - (x) sod or turf production,
 - (xi) vegetable farming,
 - (xii) wool, hide, feather or fur production, and
 - (xiii) the raising of crops or animals for human or animal consumption,
- but does not include
- (xiv) the production of agricultural byproducts or of manufactured derivatives from agricultural raw material,
 - (xv) the breeding or raising of pets other than horses, or
 - (xvi) aquaculture;
- (b) “bona fide farmer” means bona fide farmer
- (i) an individual who owns a farm and
 - (A) is actively engaged in farming, and
 - (B) earns at least 25 per cent of the individual’s gross annual income from farming,
 - (ii) a corporation who owns a farm and
 - (A) is registered in the province,
 - (B) is actively engaged in farming, and
 - (C) earns at least 25 per cent of the corporation’s gross annual income from farming, or
 - (iii) a partnership that owns a farm and
 - (A) is registered in the province,
 - (B) is actively engaged in farming, and
 - (C) earns at least 25 per cent of the partnership’s gross annual income from farming;
- (c) “farmland” means land used for an agricultural operation. farmland
- (4) This subsection and subsection (2) are revoked on December 31, 2006. Revocation
- 1.8** A duty or requirement that is imposed on an employer or a worker under these regulations applies to a self-employed person, with such modifications as the circumstances require. Self-employed person
- 3. The heading before section 16.1 and sections 16.1 to 16.9 of the regulations are revoked.**
- 4. The heading before section 17.1 and sections 17.1 to 17.5 of the regulations are revoked.**
- 5. The heading before section 39.1 and sections 39.1 to 39.5 of the regulations are revoked.**
- 6. The heading before section 45.21 and section 45.21 of the regulations are revoked.**
- 7. The heading before section 45.22 and sections 45.22 and 45.23 of the regulations are revoked.**
- 8. Section 51.3 of the regulations is revoked.**
- 9. These regulations come into force November 13, 2004.**

EXPLANATORY NOTES

These amendments extend the application of the regulations to workplaces where fewer than three persons are employed. These

amendments also clarify that the Act and the regulations do not apply to a workplace that is an agricultural operation conducted on farmland.

EC2004-633

**OCCUPATIONAL HEALTH AND SAFETY ACT
FALL PROTECTION REGULATIONS**

Pursuant to section 46 of the *Occupational Health and Safety Act* R.S.P.E.I. 1988, Cap. O-1.01, Council made the following regulations:

- | | |
|---|--------------------------|
| 1. (1) In these regulations | Definitions |
| (a) “Act” means the <i>Occupational Health and Safety Act</i> ; | Act |
| (b) “anchor point” means a secure point of attachment for a lifeline or lanyard; | anchor point |
| (c) “ANSI” means the American National Standards Institute; | ANSI |
| (d) “arborist” means a worker trained and employed, in whole or in part, to climb trees for any economic or scientific purpose, including | arborist |
| (i) detection and treatment of disease, infections or infestations, | |
| (ii) pruning, spraying or trimming, | |
| (iii) repairing damaged trees, | |
| (iv) assessing growth or harvesting potential, or | |
| (v) scientific research; | |
| (e) “CGSB” means the Canadian General Standards Board; | CGSB |
| (f) “CSA” means the Canadian Standards Association; | CSA |
| (g) “competent person” means a person who is | competent person |
| (i) qualified because of that person’s knowledge, training and experience to do the assigned work in a manner that will ensure the health and safety of persons in the workplace, and | |
| (ii) knowledgeable about the provisions of the Act and the regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work; | |
| (h) “debris net” means a net that is used to catch material and debris that can drop from work areas; | debris net |
| (i) “fall arrest system” means a system of physical components attached to a worker that stops a worker during a fall; | fall arrest system |
| (j) “full body harness” means a harness consisting of leg and shoulder straps and an upper back suspension unit that will distribute and reduce the impact force of any fall; | full body harness |
| (k) “guardrail” means a temporary system of vertical and horizontal members that warn of a fall hazard and reduce the risk of a fall; | guardrail |
| (l) “lanyard” means a flexible line used to secure a worker to a lifeline, a static line or a fixed anchor point; | lanyard |
| (m) “lifeline” means a vertical line attached to a fixed anchor point or a static line and to which a lanyard and a ropegrab may be attached; | lifeline |
| (n) “means of fall protection” means a harness, net, rope, safety belt, structure or other equipment, or device or means of | means of fall protection |
| (i) restraining a worker who is at risk of falling, or | |
| (ii) stopping a worker who has fallen; | |
| (o) “personnel safety net” means a net that is used to catch a worker during a fall; | personnel safety net |
| (p) “practicable” means physically possible in light of current knowledge and invention; | practicable |
| (q) “reasonably practicable” means practicable unless the person on whom a duty is placed can show that there is a gross disproportion | reasonably practicable |

- between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty;
- (r) “ropegrab” means a mechanical fall-arrest device that
 (i) is attached to a lifeline and a lanyard, and
 (ii) locks itself immediately on the lifeline in the event of a fall; ropegrab
- (s) “safe means of access and egress” means equipment or a structure that is built to prevent falls by workers entering or leaving a work area; safe means of access and egress
- (t) “safe surface” means a surface at a workplace that
 (i) has sufficient size and strength to adequately support a worker who falls on to the surface, and
 (ii) is sufficiently horizontal to prevent a further fall from the surface by a worker who has fallen on to the surface; safe surface
- (u) “safety belt” means a belt worn by a worker as a means of fall protection; safety belt
- (v) “softener” means padding or hoses that are used with a lifeline or static line to prevent a rope from being cut or chafed; softener
- (w) “static line” means a rope
 (i) that is attached horizontally to two or more fixed anchor points, and
 (ii) to which a fall arrest system is attached; static line
- (x) “temporary flooring” means a horizontal working surface that
 (i) is designed to give access to areas that do not have permanent flooring, and
 (ii) will prevent a worker from falling; temporary flooring
- (y) “work area” means a location at the workplace at which an worker is, or may be required or permitted to be, stationed and includes a work platform; work area
- (z) “work platform” means a temporary horizontal working surface that provides access to a work area and support to a worker at the work area. work platform
- (2) Where there is an inconsistency between a provision of these regulations and a standard or a manufacturer's specification incorporated by reference in these regulations and a requirement of this Part, the provision of these regulations prevails to the extent of the inconsistency. Inconsistencies with incorporated standards
- (3) A duty or requirement that is imposed on an employer or a worker under these regulations applies to a self-employed person, with such modifications as the circumstances require. Self-employed person
- (4) Measurements of lumber in these regulations are nominal for dressed dimensions, unless rough lumber or dimensions are specified. Measurements of lumber

GENERAL REQUIREMENTS

2. (1) Where a worker is exposed to the hazard of falling from a work area that is
 (a) 3 m or more above the nearest safe surface or water;
 (b) above a surface or thing that could cause injury to the worker if the worker were to fall on the surface or thing; or
 (c) above an open tank, pit or vat containing hazardous material,
 the employer of the worker shall ensure that
 (d) the worker is provided with a fall arrest system that meets the requirements of section 3;
 (e) a guardrail that meets the requirements of section 4 is constructed or installed at the work area;
 (f) a personnel safety net that meets the requirements of section 6 is installed at the work area;
 (g) temporary flooring that meets the requirements of section 9 is constructed or installed at the work area; or
 (h) the worker is provided with another means of fall protection that provides a level of safety equal to or greater than a fall arrest system that meets the requirements of section 3. Employer required to provide means of fall protection

(2) Where, in accordance with subsection (1), an employer provides a worker with a fall arrest system, or with another means of fall protection that includes a harness, safety belt or other item that is designed to be worn by the worker using it, the worker shall wear the fall arrest system or means of fall protection while the worker is in the work area.

Worker to wear fall arrest system or other means of fall protection

(3) Where a worker is entering or exiting a work area by a safe means of access and egress, subsections (1) and (2) do not apply to the worker or the employer of the worker.

Exception

(4) Notwithstanding subsections (1) and (2), where, at a work area,

(a) a worker must perform work on or from a vehicle or other mobile equipment;

(b) it is only practicable for a worker to perform work from a ladder and it is not practicable for the worker to maintain three points of contact while performing the work from the ladder; or

(c) a worker who is an arborist must perform work from a tree and the density of tree branches prevents the arborist from crotching,

the employer of the worker shall provide a means of fall protection, and the worker shall wear it if it may be worn, only where and to the extent that is reasonably practicable.

Idem

FALL ARREST SYSTEMS

3. (1) A fall arrest system that is provided, in accordance with subsection 2(1), to a worker at a work area as a means of fall protection shall

Fall arrest systems

- (a) be adequately secured to
 - (i) an anchor point, or
 - (ii) a lifeline that is
 - (A) securely fastened to an anchor point, or
 - (B) attached to a static line that is securely fastened to an anchor point that is capable of withstanding either the maximum load likely to be imposed on the anchor point or a load of 17.8 kN, whichever is greater;
- (b) include a lanyard
 - (i) that is attached to an anchor point or lifeline, where practicable, above the shoulder of the worker, and
 - (ii) that complies with CSA Standard Z259.1-95 Safety Belts and Lanyards;
- (c) prevent a free fall greater than 1.22 m where
 - (i) the fall arrest system is not equipped with a shock absorption system that complies with CSA Standard Z259.11-M92 Shock Absorbers for Personal Fall-Arrest Systems and that reduces the shock level of any fall to less than 4 kN, or
 - (ii) the combined free fall and shock absorbed deceleration distance exceeds the distance between the work area and a safe surface; and
- (d) include a full body harness that
 - (i) is attached to a lanyard,
 - (ii) is adjusted to fit the user of the harness, and
 - (iii) complies with CSA Standard Z259.10-M90 Full Body Harnesses.

(2) Where a fall arrest system provided to a worker includes a lifeline, the lifeline shall

Lifelines – requirements

- (a) comply with CSA Standard Z259.2.1-98 Fall Arresters, Vertical Lifelines and Rails;
- (b) extend to a safe surface below the work area;
- (c) be secured at the bottom of the lifeline to prevent tangling or disturbance of the line;
- (d) be securely attached to an anchor point;
- (e) be free of knots, lubricants and imperfections;
- (f) be free of splices, except as are necessary to connect the lifeline to an anchor point;
- (g) be provided with softeners at all sharp edges or corners to protect against cuts or chafing; and
- (h) be clearly identified as a lifeline by colour or by another means that provides an equivalent level of safety.

(3) No worker shall

Lifelines - restrictions

- (a) use a lifeline in a fall arrest system while that fall arrest system is being used by another worker; or
- (b) provide a rope for use, or permit a rope to be used, as a lifeline in a fall arrest system if the rope has been used for another purpose.
- (4) Where a fall arrest system provided to a worker includes a ropegrab, the ropegrab used shall comply with CSA Standard Z259.2.1-98 Fall Arresters, Vertical Lifelines and Rails. Ropegrabs
- (5) An employer who provides a worker with a fall arrest system shall ensure the fall arrest system is inspected by a competent person prior to each work shift undertaken by the worker. Inspection
- (6) A competent person who carries an inspection of a fall arrest system shall advise the employer as to whether any of the components of the fall arrest system are defective in condition or function. Employer to be advised of defective components
- (7) Where an employer is advised by a competent person that any of the components of a fall arrest system are defective in condition or function, the employer shall ensure that the fall arrest system is not used until every defective component is replaced or repaired. Removal from service where defective
- (8) Where a fall arrest system has arrested the fall of a worker at a work area, the employer of the worker shall ensure that the fall arrest system
- (a) is removed from service and inspected by a competent person; and
- (b) is repaired, before it is reused, to the original manufacturer's specifications, if the inspection of the competent person reveals that any component of the fall arrest system is defective.
- (9) Where a fall arrest system provided to a worker includes a static line, the static line shall Static lines
- (a) have a nominal diameter of at least 12.7 mm;
- (b) be equipped with vertical supports at least every 9 m;
- (c) have a maximum deflection, when taut, of no greater than 381 mm for a 9 m span;
- (d) be equipped with turnbuckles or other comparable tightening devices that provide an equivalent level of protection, at the ends of the static line;
- (e) be made of Improved Plow Wire Rope;
- (f) be equipped with softeners at all sharp edges or corners to protect against cuts or chafing;
- (g) be made only of components that are able to withstand either the maximum load likely to be imposed on the components or a load of 8 kN, whichever is greater; and
- (h) comply with CSA Standard Z259.13-04 Flexible Horizontal Lifeline Systems and CSA Standard Z259.16-04 Design of Active Fall Protection Systems.
- (10) Where a fall arrest system is provided to a worker who is an arborist, the fall arrest system shall Fall arrest systems for arborists
- (a) include a tree climbing or tree trimming harness or saddle;
- (b) be adequately secured to
- (i) an anchor point, or
- (ii) a lifeline that is
- (A) securely fastened to an anchor point, or
- (B) attached to a static line that is securely fastened to an anchor point;
- (c) include a climbing rope or safety strap;
- (d) where practicable, include a second climbing rope or safety strap that
- (i) provides additional stability, and
- (ii) back-up fall protection; and
- (e) be capable of withstanding either the maximum load likely to be imposed or a load of 17.8 kN, whichever is greater.
- (11) Where an employer uses a fall arrest system or a personnel safety net as a means of fall protection, the employer shall have a written fall protection plan that specifies Fall protection plan

- (a) the procedure to assemble, maintain, inspect, use and disassemble the fall arrest system or personnel safety net; and
- (b) the procedure for the rescue of a worker who has fallen and is suspended by the fall arrest system or personnel safety net, but is unable to effect self rescue.

GUARDRAILS

4. (1) A guardrail that is constructed or installed at a work area, in accordance with subsection 2(1), shall

Construction and installation requirements

- (a) extend around
 - (i) any uncovered opening in a floor or other surface, and
 - (ii) the perimeter or other open side of a floor, mezzanine, balcony or other surface, at the work area from which a worker may be exposed to the hazards of a fall described in clauses 2(1)(a) to (c);
- (b) have posts that
 - (i) are spaced at intervals of not more than 2.4 m; and
 - (ii) are secured against movement by the attachment of the posts to the structure under construction or that is otherwise being worked on, or by another means that provides an equivalent level of safety;
- (c) have a top railing that is between 0.91 and 1.06 m above the surface of the protected working area and that is securely fastened to posts secured in compliance with subclause (b)(ii);
- (d) have a toeboard, securely attached to the posts and the structure to which the posts are secured, extending from the base of the posts to a height of 102 mm; and
- (e) have an intermediate railing on the inner side of the posts midway between the top railing and the toeboard.

(2) Where a wooden guardrail is constructed or installed at a work area, the guardrail shall, in addition to the requirements of subsection (1),

Wooden guardrails

- (a) have top and intermediate railings and posts that are at least 51 mm by 102 mm;
- (b) have a toeboard that is at least 25 mm by 75 mm; and
- (c) be made of
 - (i) Grade Two or better spruce, or
 - (ii) other lumber that provides an equivalent level of safety to the type of lumber referred to in subclause (i).

(3) Where a guardrail that is constructed or installed at a work area has wire rope railings, the guardrail shall, in addition to the requirements of subsection (1),

Wire rope railings

- (a) have top and intermediate railings that are at least 8 mm in diameter;
- (b) be identified with high visibility markings placed every 1.5 m on the top railing; and
- (c) have top and intermediate railings that are equipped with turnbuckles or other means that provide adequate tension to ensure an equivalent level of protection to that provided by the wooden railings required under subsection (2).

(4) Notwithstanding anything to the contrary in subsection (1), an employer may have a manufactured guardrail installed or constructed at a work area if it provides an equivalent level of protection to that provided by a wooden guardrail that complies with the requirements of subsections (1) and (2).

Manufactured guardrails

5. Where, at a work area,

Building shafts

- (a) there is no work platform installed at the level of a doorway or opening in a building shaft; and
- (b) the employer is required by these regulations to have a guardrail constructed or installed at the work area,

the employer shall ensure that the guardrail is marked with a warning sign that indicates the presence of an open building shaft.

NETS

- 6.** (1) Where an employer has a personnel safety net installed at a work area, in accordance with subsection 2(1), the employer shall ensure that Personnel safety nets
- (a) the personnel safety net is installed not more than 4.6 m below the work area;
 - (b) the personnel safety net extends 2.4 m on all sides beyond the work area;
 - (c) the personnel safety net is installed and maintained so that the maximum deflection when arresting the fall of a worker does not allow any portion of the worker to contact another surface;
 - (d) the personnel safety net is installed to ensure that no obstructions or intervening members may be struck by a worker during a fall between the work area and the personnel safety net; and
 - (e) if the personnel safety net is connected to one or more other personnel safety nets, the splice joints connecting it with the other personnel safety nets are equal or greater in strength to the strength of the weakest of these personnel safety nets.
- (2) Subject to subsection (1), an employer who has a personnel safety net installed at a work area shall insure it is manufactured, used, maintained, inspected and stored in accordance with ANSI Standard A10.11-1989 Safety Nets Used During Construction, Repair and Demolition Operations. Manufacture, use, etc.
- 7.** (1) Where a worker having access to an area below an elevated work area is exposed to the hazard of falling objects or debris from the work area, the employer of the worker shall ensure that Debris nets
- (a) a debris net is installed below the work area in accordance with subsection (2); or
 - (b) some other means of protection is provided that provides an equivalent level of protection from falling objects and debris.
- (2) An employer who, in accordance with subsection (1), has a debris net installed below an elevated work area shall ensure it Manufacture, use, etc.
- (a) is manufactured, used, maintained, inspected and stored in accordance with ANSI Standard A10.11-1989 Safety Nets Used During Construction, Repair and Demolition Operations; and
 - (b) is installed not more than 4.6 m below the elevated work area.

SAFETY BELTS

- 8.** Where an employer provides a safety belt to a worker, in accordance with subsection 2(1), the employer shall ensure that the safety belt complies with Standards
- (a) CSA Standard Z259.1-95 Safety Belts and Lanyards; or
 - (b) CSA Standard Z259.3-M1978 Lineman's Body Belt and Lineman's Safety Strap.

TEMPORARY FLOORING

- 9.** Where temporary flooring is constructed or installed at a work area, in accordance with subsection 2(1), it shall Requirements
- (a) be constructed or installed at each floor level of the work area where work is in progress;
 - (b) extend over the whole work area except for any openings necessary for the carrying out of work;
 - (c) be able to withstand four times the maximum load likely to be imposed on it; and
 - (d) be securely fastened to and supported on members that are able to withstand four times the maximum load likely to be imposed on them.

MEASURES REQUIRED WHERE RISK OF DROWNING

- 10.** (1) Where a worker is exposed to the hazard of falling from a work area and there is a risk of drowning if the worker does fall, the employer shall Risk of drowning
- (a) provide to the worker a personal floatation device where the work area is less than 3 m above the surface of the water;

- (b) provide rescue equipment that includes
- (i) an adequate boat to ensure a safe and timely rescue,
 - (ii) a life buoy attached with 15 m of rope that is at least 10 mm in diameter and that is made from polypropylene or other material that provides an equivalent level of protection,
 - (iii) a boat hook,
 - (iv) an audible alarm system to notify of an accident and to initiate the rescue procedure; and
- (c) ensure that workers who are
- (i) designated to perform specific rescue tasks,
 - (ii) properly informed as to the proper rescue procedures, and
 - (iii) trained in the use of the rescue equipment in order to perform rescue operations in a safe manner,
- are available in such numbers as are needed in the circumstances to perform rescue operations safely.
- (2) Where, in accordance with subsection (1), an employer provides a worker with a personal floatation device, the worker shall wear the personal floatation device while the worker is in the work area. Worker to wear personal floatation device
- (3) The employer shall ensure that a personal floatation device provided to a worker complies with CGSB Standard 65.11-M88 Personal Floatation Devices. Personal floatation device
- (4) Where work is being performed above water that has a fast current and where it is practicable, an employer shall ensure that a line is placed across the water that Work performed over fast current
- (a) is at least 10 mm in diameter or is made of polypropylene or other material that provides an equivalent level of protection; and
 - (b) has a buoy or some other floatation device attached.
- (5) For greater certainty, an employer is not required to provide a worker with a personal floatation device under subsection (1) where the worker is protected by a means of fall protection in accordance with subsection 2(1). *Idem*
- 11.** These regulations come into force on November 13, 2004. Commencement

EXPLANATORY NOTES

SECTION 1 provides definitions for words used in these regulations.

SECTION 2 explains when fall protection must be provided by employers and worn by workers.

SECTION 3 sets out the requirements for fall arrest systems provided by employer as a means of fall protection.

SECTIONS 4 and 5 set out the construction and installation requirements of guardrails.

SECTIONS 6 and 7 set out the requirements governing the use of safety nets.

SECTION 8 sets out the requirements governing the use of safety belts.

SECTION 9 sets out the requirements governing the use of temporary flooring.

SECTION 10 sets out when the use of a personal floatation device is necessary and the rescue equipment that must be provided by employer.

SECTION 11 provides for the commencement of these regulations.

EC2004-634**ROADS ACT
HIGHWAY ACCESS REGULATIONS
COMMERCIAL OPERATION
DETERMINATION**

Pursuant to clause 20(1)(c) of the *Roads Act* Highway Access Regulations (EC580/95) Council determined that

- (a) a commercial operation to be established on Provincial Property No. 590513 at Rosebank, Lot 4, Prince County, constitutes a change of use for this property, and
- (b) establishment of this operation adjacent to Route 2 at Rosebank is in the best interest of the province.

Number: SW03/04 - 23

SPECIAL

WARRANT

pursuant to the

FINANCIAL ADMINISTRATION ACT

Lieutenant Governor

On recommendation of the Lieutenant Governor in Council by its Order-in-Council EC2004-620, and pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 the following supplementary payment is authorized out of the Operating Fund for the Fiscal Year 2003/04:

P.E.I. Lending Agency.....\$3,722,700.00

Clerk of the Executive Council

EXECUTIVE COUNCIL _____ 2 NOVEMBER 2004

CANADA

PROVINCE OF PRINCE EDWARD ISLAND

By His Honour the Honourable
Léonce Bernard, Lieutenant Governor
of the Province of Prince Edward Island,
etc.

Lieutenant Governor

PROROGATION OF THE LEGISLATIVE ASSEMBLY
(FIRST SESSION, SIXTY-SECOND GENERAL ASSEMBLY)

WHEREAS it has been deemed expedient to prorogue the First Session of the Sixty-second General Assembly of this Province and forthwith to call a new Session of the Legislative Assembly,

I HAVE THEREFORE thought fit, by and with the advice and consent of Her Majesty's Executive Council of this Province, to prorogue the First Session of the Sixty-second General Assembly and, that the same is hereby prorogued.

GIVEN under my hand and the Great Seal of the Province at Charlottetown aforesaid this second day of November in the year of our Lord two thousand and four and in the fifty-third year of Her Majesty's Reign.

By Command,

Clerk of the Executive Council

EXECUTIVE COUNCIL _____ 2 NOVEMBER 2004

CANADA

PROVINCE OF PRINCE EDWARD ISLAND

By His Honour the Honourable
Léonce Bernard, Lieutenant Governor
of the Province of Prince Edward Island,
etc.

Lieutenant Governor

Attorney General

WHEREAS it is deemed expedient to convene the Legislative Assembly of this Our Province of Prince Edward Island for the transaction of public business, I DO, by and with the advice and consent of Her Majesty's Executive Council of our said Province, order and direct that the said Legislative Assembly be summoned to meet, and the same is hereby summoned to meet for the

DESPATCH OF BUSINESS

at Charlottetown, in our said Province on Thursday, the eighteenth day of November, A.D. 2004, at the hour of three o'clock in the afternoon, of which all persons concerned are required to take notice and govern themselves accordingly.

GIVEN under my hand and the Great Seal of the Province at Charlottetown aforesaid this second day of November in the year of our Lord two thousand and four and in the fifty-third year of Her Majesty's Reign.

By Command,

Clerk of the Executive Council