

EC2006-310

EXECUTIVE COUNCIL ACT
MINISTER OF EDUCATION
AUTHORITY TO ENTER INTO AN AGREEMENT
(MILLENNIUM PEI ACCESS GRANT PROGRAM)
WITH
THE CANADA MILLENNIUM SCHOLARSHIP FOUNDATION

Pursuant to clause 10(d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Education to enter into an agreement with the Canada Millennium Scholarship Foundation to set out terms and conditions for funding and administration of a new Millennium PEI Access Grant in Prince Edward Island, effective from the date of signing to December 31, 2009, to assist low-income, dependent students in accessing post-secondary education, such as more particularly described in the draft agreement.

EC2006-311

EXECUTIVE COUNCIL ACT
MINISTER OF SOCIAL SERVICES AND SENIORS
AUTHORITY TO ENTER INTO AN AGREEMENT
(RE: INDIAN CHILD AND FAMILY SERVICES)
WITH THE
GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Social Services and Seniors to enter into an agreement with the Government of Canada, as represented by the Minister of Indian Affairs and Northern Development, to specify the roles and responsibilities of the parties and describe the mechanisms, guiding principles and financial agreements for the provision of child and family services for fiscal year 2005/06 to Indian families normally resident on-reserve in Prince Edward Island, such as more particularly described in the draft agreement.

EC2006-312

EXECUTIVE COUNCIL ACT
 MINISTER OF SOCIAL SERVICES AND SENIORS
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (RE: CHILD PROTECTION AGENCY FOR
 ABEGWEIT BAND AND LENNOX ISLAND BAND)
 WITH
 THE MI'KMAQ CONFEDERACY OF PEI INC.

Pursuant to clause 10(d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Social Services and Seniors to enter into an agreement with the Mi'kmaq Confederacy of PEI Inc. to set out terms and conditions whereby the Province shall serve as child protection agency responsible for delivery of child welfare services including care and custody and adoption services for the Abegweit and Lennox Island Bands, such as more particularly described in the draft agreement.

EC2006-313

PESTICIDES CONTROL ACT
 REGULATIONS
 AMENDMENT

Pursuant to section 22 of the *Pesticides Control Act* R.S.P.E.I. 1988, Cap. P-4, Council made the following regulations:

1. Subsection 1(1) of the *Pesticides Control Act* Regulations (EC 761/05) is amended

(a) by the addition of the following after clause (a):

(a.1) "AG-1 Pesticide Use Certificate" means a pesticide use certificate that AG-1 Pesticide Use Certificate

- (i) was issued by the Director under subsection 21(1) of the prior regulations,
- (ii) was valid on December 31, 2005, and
- (iii) was identified by the words "AG-1 Pesticide Use Certificate" or "Level 1 Agricultural Pesticide Use Certificate" on the face of the certificate;

(a.2) "AG-2 Pesticide Use Certificate" means a pesticide use certificate that AG-2 Pesticide Use Certificate

- (i) was issued by the Director under subsection 21(1) of the prior regulations,
- (ii) was valid on December 31, 2005, and
- (iii) was identified by the words "AG-2 Pesticide Use Certificate" or "Level 2 Agricultural Pesticide Use Certificate" on the face of the certificate;

(b) by the addition of the following after clause (f):

(f.1) "certified assistant" means an individual who held an AG-2 Pesticide Use Certificate on December 31, 2005; certified assistant

(c) in clause (w), by the deletion of the word "Director" and the substitution of the word "Minister".

2. Subsection 3(3) of the regulations is revoked and the following substituted:

- (3) A person who Earning CECs
 - (a) holds an AG-1 Pesticide Use Certificate or a Class A Pesticide Applicator Certificate; and

(b) attends a training event approved by the Steering Committee, shall earn CECs on an hour-for-hour basis as specified in the approval for the following types of training events:

- (c) trainer-led courses including seminars, field days, user-group meetings, or workshops where
 - (i) pesticide-related topics are covered, and
 - (ii) the continued attendance and active participation of the person claiming CECs can be verified by the Director;
- (d) interactive computer programs approved by the Director;
- (e) the proctored viewing of video materials;
- (f) the self-study of pesticide education materials with verified testing; and
- (g) courses in first aid or WHMIS only if such courses are specifically designed to address pesticide-related issues.

3. Section 5 of the regulations is amended

(a) by the revocation of clause (1)(a) and the substitution of the following:

- (a) provides proof of a current policy of insurance with coverage of
 - (i) at least \$500,000 for pollution liability, and
 - (ii) at least \$1,000,000 for general public liability;

(b) in clause (2)(f), by the addition of the words “, golf course turf” after the words “ornamental vegetation”; and

(c) by the addition of the following after subsection (5):

(6) A person who applies for a Class B Pesticide Application Business Licence is not required to hold the insurance coverage required by subclause (1)(a)(i) if the person provides to the Minister written confirmation that the person will not offer a service involving the application of a chemical-based pesticide during the term of the licence applied for. Insurance not required, where

4. The regulations are amended by the addition of the following after section 5:

5.1 (1) The following certificates are deemed to have been issued under these regulations: Transitional

- (a) AG-1 Pesticide Use Certificates;
- (b) AG-2 Pesticide Use Certificates.

(2) An AG-1 Pesticide Use Certificate expires on Expiry of AG-1 Pesticide Use Certificate

- (a) the date shown on the face of the certificate; or
- (b) the date on which a conditional Class A Pesticide Applicator Certificate is issued to the holder under clause 8(3)(a),

whichever is earlier.

(3) An AG-2 Pesticide Use Certificate expires on Expiry of AG-2 Pesticide Use Certificate

- (a) December 31, 2006;
- (b) the date on which a Class A Pesticide Applicator Certificate is issued to the holder under subsection 6(5.1);
- (c) the date on which a conditional Class A Pesticide Applicator Certificate is issued to the holder under subsection 8(3); or
- (d) the date on which a Loader/mixer Certificate is issued to the holder under subsection 10(1),

whichever is earlier.

5. (1) Section 6 of the regulations is amended

(a) in subsection (2),

(i) by the revocation of clause (a) and the substitution of the following:

(a) a Class A Pesticide Applicator Certificate authorizes the holder of the certificate to apply pesticides to control pests

- (i) on an agricultural crop or a product that is not located in a greenhouse, and
- (ii) on agricultural land;

(ii) in clause (f), by the addition of the words “, golf course turf” after the words “ornamental vegetation”;

(iii) by the deletion of the word “licence” wherever it occurs and the substitution of the word “certificate”;

(b) in subsection (5), by the deletion of the words “examination requirement in clause (1)(a)” and the substitution of the words “examination requirement in subsection (1)”; and

(c) by the addition of the following after subsection (5):

(5.1) The Minister may, at the Minister’s discretion, waive the examination requirement in subsection (1) and issue a conditional Class A Pesticide Applicator Certificate to a person if the person

Class A Pesticide Use Certificate to holder of AG-2

- (a) holds an AG-2 Pesticide Use Certificate; and
- (b) has earned, during 2006 and prior to the application, at least
 - (i) two CECs in the category described as Environmental Impact Training, and
 - (ii) two CECs in the category described as Pest Management Training.

(5.2) Notwithstanding subsection (4), a Class A Pesticide Applicator Certificate issued to a person under subsection (5.1) expires on the date shown on the AG-2 Pesticide Use Certificate held by the person.

Expiry

(2) Subsections 6(5.1) and (5.2) of these regulations are revoked.

6. Section 8 of the regulations is amended

(a) in subsection (1),

- (i) by the deletion of the words “Director shall” and the substitution of the words “Minister shall”, and**
- (ii) in clause (a) by the deletion of the words “a Pesticide Use Certificate” wherever they occur and the substitution of the words “an AG-1 Pesticide Use Certificate”;** and

(b) by the revocation of subsection (3) and the substitution of the following:

(3) The Minister may issue a conditional Class A Pesticide Applicator Certificate to an individual if the individual holds an AG-1 Pesticide Use Certificate.

Conditional Class A Pesticide Applicator Certificate

(4) A conditional Class A Pesticide Applicator Certificate issued to an individual under subsection (3) expires on the date shown on the face of the AG-1 Pesticide Use Certificate.

Expiry

7. Subsection 9(1) of the regulations is amended by the addition of the words “and every person who is a certified assistant” after the words “holds a Pesticide Applicator Certificate”.

8. (1) Section 10 of the regulations is revoked and the following substituted:

10. (1) The Minister may, on application, issue a Loader/mixer Certificate to a person who

Loader/mixer Certificate

- (a) has successfully completed a loader/mixer training program approved by the Director; or
- (b) holds a current AG-2 Pesticide Use Certificate.

(2) The Minister may impose such conditions on a Loader/mixer Certificate issued under subsection (1) as the Minister considers necessary for the protection of human health or the environment.

Conditions

(3) A Loader/mixer Certificate shall be issued on Form 1 of Schedule 3 and the Loader/mixer Certificate expires

Expiry

- (a) five years from the date of issue; or
- (b) on the date shown on the AG-2 Pesticide Use Certificate, whichever is earlier.

(2) Subsection 10(1) of the regulations is revoked and the following substituted:

10. (1) The Minister may, on application, issue a Loader/mixer Certificate to a person who has successfully completed a loader/mixer training program approved by the Director.

Loader/mixer
Certificate

9. Subsection 16(1) of the regulations is amended by the deletion of the word “Director” and the substitution of the word “Minister”.

10. Section 27 of the regulations is amended

(a) by the revocation of subsection (2) and the substitution of the following:

(2) Every person who transports a concentrated non-domestic pesticide in, or on, a vehicle shall ensure that

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(a) such pesticide is packaged in the original manufacturer’s sealed container in a manner that will ensure that the pesticide will not spill out of the container; and

(b) the container referred to in clause (a) is

(i) enclosed within a leak-proof compartment that is separate from, but securely affixed to the vehicle, or

(ii) secured to the vehicle by straps or other appropriate means that render the pesticide safe for transport.

(b) in subsection (3), by the addition of the word “non-domestic” after the word “concentrated”; and

(c) by the addition of the following after subsection (4):

(5) Every person who

(a) transports seed treated with a pesticide; or

(b) sells or supplies seed treated with a pesticide to any other person, shall label all containers of such seed with the words “Seed treated with - (name of pesticide). Do not use for food or feed”.

Transports, sells
treated seed

11. Section 28 of the regulations is amended

(a) in clause (1)(f), by the addition of the words “, golf course turf” after the words “ornamental vegetation”;

(b) in clause (1)(h), by the deletion of the word “supervise” and the substitution of the words “offer a service involving”;

(c) by the revocation of clause (1)(i) and the substitution of the following:

(i) offer a service involving the application of a pesticide in a greenhouse unless the person offering such service holds a Class G Pesticide Application Business Licence, or a Class F-2 Pesticide Application Business Licence;

(d) by the revocation of clause (2)(a) and the substitution of the following:

(a) apply a non-domestic pesticide to control pests

(i) on agricultural land, or

(ii) on an agricultural crop or product that is not located in a greenhouse,

unless the person holds a Class A Pesticide Applicator Certificate or is a certified assistant;

(e) in clause (2)(f), by the addition of the words “, golf course turf” after the words “ornamental vegetation”.

12. Section 29 of the regulations is revoked and the following substituted:

29. (1) No person shall

(a) handle a non-domestic pesticide; or

(b) transport a non-domestic pesticide on a highway,

unless the person

(c) holds a Loader/mixer Certificate;

(d) holds a Pesticide Applicator Certificate;

(e) holds a non-domestic Pesticide Vendor Certificate;

Handling,
transporting on
highway

- (f) holds a Transportation of Dangerous Goods Certificate issued under the *Transportation of Dangerous Goods Act* (Canada); or
- (g) is a certified assistant.

(2) No person shall mix a non-domestic pesticide unless the person Mixing pesticide

- (a) holds a Loader/mixer Certificate;
- (b) holds a Pesticide Applicator Certificate; or
- (c) is a certified assistant.

(3) Subsection (1) does not apply to seed treated with a pesticide. Exception

13. Section 34 of the regulations is amended by the addition of the words “in writing,” after the words “Director.”

14. Subsection 38(1) of the regulations is revoked and the following substituted:

38. (1) No person shall permit or cause any sprayer or other equipment used to apply pesticides to be Filling, washing, etc. sprayer

- (a) filled, discharged, washed or flushed out within 25 metres of the water’s edge of any open body of water; or
- (b) discharged, washed or flushed out within 25 metres of a water well.

(1.1) The distances referred to in subsection (1) shall be measured horizontally. Distance measured horizontally

15. (1) Subject to subsection (2), these regulations come into force on June 10, 2006.

(2) Subsections 5(2) and 8(2) of these regulations come into force on January 1, 2007.

EXPLANATORY NOTES

SECTION 1 adds the definitions of “certified applicator”, “AG-1 Pesticide Use Certificate” and “AG-2 Pesticide Use Certificate”. It also corrects a reference to the Director to refer to the Minister.

SECTION 2 adds a reference to the type of certificate held by a person taking continuing education courses.

SECTION 3 clarifies the insurance requirements and provides for an exception in a situation where a person who applies for a licence confirms that the business for which the licence is intended will not offer a service involving the application of a chemical-based pesticide during the term of the licence.

SECTION 4 is a transitional provision that deems AG-1 Pesticide Use Certificates and AG-2 Pesticide Use Certificates to be issued under these regulations. The section clarifies the expiry of such certificates.

SECTION 5 clarifies that the holder of a Class A Pesticide Applicator Certificate is authorized to apply pesticides on agricultural crops that are not in a greenhouse. The section adds a reference to golf course turf to the description of a Class E Pesticide Applicator Certificate. The section also corrects the reference to licences which should be references to certificates.

The section also deals with the issuance of a Class A Pesticide Applicator Certificate to a person who holds an AG-2 Pesticide Use Certificate, if the person earns the CECs required before the end of 2006. This provision is revoked January 1, 2007.

SECTION 6 changes the references from “Director” to “Minister” in respect of issuing a certificate. The section also has transitional provisions for the issuance of Conditional Class A Pesticide Certificates

to allow persons holding certificates under the prior regulations to continue applying pesticides for a limited period of time after which they would have to prove that they upgraded their educational qualifications.

SECTION 7 changes a reference to the Director as a reference to the Minister. The section provides for the issuance of a Class A Pesticide Applicator Certificate to the holder of an AG-1 or AG-2 Pesticide Use Certificate, and the expiry of such certificates. The section also adds a reference to a “certified assistant”.

SECTION 8 revises the Loader/mixer Certificate provisions and clarifies the expiry of the certificates.

SECTION 9 changes the reference from “Director” to “Minister” in respect of the issuance of certificates.

SECTION 10 clarifies that the pesticide dealt with in the section is non-domestic, clarifies the method of transport of concentrated non-domestic pesticide and requires a label on seed treated with a pesticide.

SECTION 11 substitutes a reference to “offering a service” instead of supervising the application of a pesticide, clarifies the application of a pesticide in a greenhouse and clarifies the offence provision respecting Class A Pesticide Applicator Certificates to match the changes in section 5. (greenhouse, golf turf)

SECTION 12 clarifies the requirements for handling or transporting non-domestic pesticides on a highway or mixing such pesticides.

SECTION 13 clarifies that the Director’s authorization to transfer, etc a Pesticide Purchase Permit must be in writing.

SECTION 14 clarifies the rules on cleaning and filling pesticide sprayers and equipment near a well or open body of water.

SECTION 15 provides for the commencement of these regulations.

EC2006-314

PROVINCIAL COURT ACT JUSTICE OF THE PEACE APPOINTMENT

Under authority of section 14 of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25 Council appointed Faye Catherine Gallant of Summerside, Prince County, Prince Edward Island, as a Justice of the Peace in and for the Province of Prince Edward Island for a term of five (5) years, effective 2 June 2006. This appointment is limited to matters related to the enforcement of bylaws within the City of Summerside.

Further, Council ordered that should the said Faye Catherine Gallant cease to be employed by the City of Summerside, her appointment as a Justice of the Peace shall terminate coincident with the date her employment with the City of Summerside terminates.

EC2006-315**RETAIL BUSINESS HOLIDAYS ACT
EXEMPTION REGULATIONS
AMENDMENT**

Pursuant to section 7 of the *Retail Business Holidays Act* R.S.P.E.I. 1988, Cap. R-13.02, Council made the following regulations:

1. Subsection 3(1) of the *Retail Business Holidays Act Exemption Regulations (EC554/93)* is amended by the deletion of the words “and May 28, 2006” and the substitution of the words “, May 28, 2006 and June 4, 2006”.

2. These regulations come into force on June 3, 2006.

EXPLANATORY NOTES

The amendment allows a race card to be held at the Summerside Raceway on the specified dates.