

EC2012-387**DAIRY INDUSTRY ACT
REGULATIONS
REVOCATION**

Pursuant to sections 5, 7, 8, 9 and 10 of the *Dairy Industry Act* R.S.P.E.I. 1988, Cap. D-1, Council made the following regulations:

- 1. The *Dairy Industry Act* Regulations (EC735/88) are revoked.**
- 2. These regulations come into force immediately before the expiry of July 31, 2012.**

EXPLANATORY NOTES

SECTION 1 revokes the Regulations made under the *Dairy Industry Act*.

SECTION 2 provides for the commencement of these regulations.

EC2012-388**EXECUTIVE COUNCIL ACT
MINISTER OF FINANCE, ENERGY AND MUNICIPAL AFFAIRS
AUTHORITY TO ENTER INTO AN AGREEMENT
(AGREEMENT TO AMEND
THE TAX COLLECTION AGREEMENT)
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 Finance, Energy and Municipal Affairs to enter into an agreement with the Government of Canada, as represented by the Minister of Finance, to amend the Tax Collection Agreement between Canada and the Province of Prince Edward Island to accelerate timing of tax payments to the province in respect of assessed corporate income tax, such as more particularly described in the draft agreement.

EC2012-389

**FINANCIAL ADMINISTRATION ACT
CERTAIN ACCOUNTS RECEIVABLE
UNDER THE
REVENUE TAX ACT
AUTHORITY TO WRITE-OFF**

Pursuant to subsection 26.1(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council authorized the write-off of certain accounts receivable under the *Financial Administration Act* totalling \$349,162.56 (including interest to 30 June 2012) as follows:

**SCHEDULE
(REVENUE TAX ACT, WRITE-OFFS)**

ACCOUNT OF	AMOUNT WRITTEN-OFF
100780 P.E.I. Inc. sometimes carrying on business under the style name Pellagri Energy Hartsville	\$ 918.28
101233 P.E.I. Inc. sometimes carrying on business under the style name Midnight Mechanical O'Leary	18,878.98
101286 P.E.I. Inc. sometimes carrying on business under the style name The Alibi Lounge Charlottetown	13,232.87
513650 NB Inc. sometimes carrying on business under the style name Microage Fredericton, NB	1,605.61
Arsenault, Yves sometimes carrying on business under the style name Interactive Solutions/ Solutions Interactives Wellington	1,100.38
Blockbuster Canada Co. Toronto, ON	6,349.69
Bodkin Capital Corporation Mississauga, ON	4,784.76
Bodkin Leasing Corporation Mississauga, ON	3,917.83
Bonnell, Mark Montague	1,351.90
Boudreau, Jeremy Charlottetown	761.28

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Cavendish by the Sea Ltd. Mississauga, ON	6,949.30
Cotton Ginny Limited Toronto, Ontario	486.40
Coughlin, Rodney O'Leary	305.48
Curtis, Mary sometimes carrying on business under the style name Curtland Studio Charlottetown	6,019.78
Duke Food Service Inc. Summerside	187,780.09
DWG Investments sometimes carrying on business under the style name The Heritage Pub & Restaurant and Rockin Rodeo Nightclub Summerside	27,868.94
Field, Carlyle A. sometimes carrying on business under the style name Field Cottages Maine, USA	288.77
Gallant, Thomas Lewis sometimes carrying on business under the style name Bladez Charlottetown	4,489.67
Gautreau, Donald sometimes carrying on business under the style name Extreme Ink Charlottetown	91.88
Harris, Kathleen Cardigan	359.13
Jorgensen Forestry Inc. Breadalbane	2,785.39
McMaster, Darryl Charlottetown	432.94
Northumberland Community Development Corporation sometimes carrying on business under the style name Eagles View Golf Course Murray River	9,607.00
Poulton, Corey and MacKenzie, Francis sometimes carrying on business under the style name Compusol Charlottetown	3,265.29
Read, Alan Summerside	2,762.01
Sandstone Shores Inc. Elmira	28,071.42

Shang Hai Restaurant Ltd. Wellington	11,704.63
Marchbank, Stephen sometimes carrying on business under the style name Discover Sports Summerside	1,502.72
VTB Inc. Pennsylvania, USA	1,281.78
Wagner, Eric G. sometimes carrying on business under the style name Wagner's Cottages & Outfitters Ellerslie	<u>208.36</u>
Total	<u>\$349,162.56</u>

EC2012-390

AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT
DECLARATION RE

Under authority of section 6 of *An Act to Amend the Highway Traffic Act* Stats. P.E.I. 2012, c. 18, Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Highway Traffic Act" to come into force effective 28 July 2012.

EC2012-391

**HIGHWAY TRAFFIC ACT
COMMERCIAL DRIVER, CARRIER AND AUDIT REVIEW
SYSTEMS REGULATIONS
AMENDMENT**

Pursuant to section 148 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

- 1. Clause 1(n) of the *Highway Traffic Act* Commercial Driver, Carrier and Audit Review Systems Regulations (EC21/06) is amended by the deletion of the words "\$1,000" and the substitution of the words "\$2,000".**
- 2. These regulations come into force on July 28, 2012.**

EXPLANATORY NOTES

SECTION 1 increases the amount of property damage, in respect of an accident on a highway, that creates a duty on the persons in charge of the vehicles involved to report the accident to the police.

SECTION 2 provides for the commencement of these regulations.

EC2012-392**HIGHWAY TRAFFIC ACT
DEMERIT POINT SYSTEM REGULATIONS
AMENDMENT**

Pursuant to section 284 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

1. Subsection 10(2) of the *Highway Traffic Act* Demerit Point System Regulations (EC1216/80) is amended by the deletion of the words “an driving record” and the substitution of the words “a driving record”.

2. Item 5.4 of the Schedule to the regulations is revoked and the following substituted:

5.4	Section 89(e.1) of the Highway Traffic Act	12	Failure to comply with ignition interlock condition imposed by Registrar on driver's license of person
5.5	Section 89(f) of the Highway Traffic Act	3	Failing to comply with restriction or condition, other than one respecting ignition interlock, imposed by Registrar on driver's license of person

3. These regulations come into force on July 28, 2012.

EXPLANATORY NOTES

SECTION 1 corrects a grammar error.

SECTION 2 amends the Schedule in the regulations to provide demerit point penalties for: a failure to comply with an ignition interlock condition imposed by the Registrar on a driver's license; and a failure to comply with a restriction or condition, other than one respecting an ignition interlock, imposed by the Registrar on a driver's license.

SECTION 3 provides for the commencement of these regulations.

EC2012-393**ISLAND INVESTMENT DEVELOPMENT ACT
FINANCIAL ASSISTANCE REGULATIONS
PAN AMERICAN PROPERTIES INC.
AUTHORIZATION**

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to advance a term loan to a maximum amount of five million, two hundred and twenty-five thousand dollars (\$5,225,000.00) to Pan American Properties Inc. of Charlottetown, Prince Edward Island, on terms and conditions satisfactory to the Board of Directors of Island Investment Development Inc.

EC2012-394

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
KENNETH FONE AND MAUREEN FONE
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Kenneth Fone and Maureen Fone, both of Mississauga, Ontario to acquire a land holding of approximately six decimal one seven (6.17) acres of land in Lot 18, Prince County, Province of Prince Edward Island, being acquired from Fulton Cousins and Mary Cousins, both of Irishtown, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2012-395

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DONALD J. MCDOUGALL
(DENIAL)

Council, having under consideration an application (#N5075) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Donald J. McDougall of Stratford, Ontario to acquire a land holding of approximately four decimal two five (4.25) acres of land in Lot 2, Prince County, currently owned by Philip MacDougall of Stratford, Prince Edward Island.

EC2012-396

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
COLIN TRAVIS
(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 Colin Travis of Collingwood, Ontario to acquire an interest in a land holding of approximately two decimal five (2.5) acres of land in Lot 22, Queens County, Province of Prince Edward Island, being acquired from Dana Jorgensen of Breadalbane, Prince Edward Island.

EC2012-397

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CHRISTOPHER WATT AND SANDRA WATT
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Christopher Watt and Sandra Watt, both of West St. Andrews, Nova Scotia to acquire a land holding of approximately eleven decimal six one (11.61) acres of land in Lots 18 and 19, Prince County, Province of Prince Edward Island, being acquired from Ronald H. Englehart and Edie Englehart, both of Kensington, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2012-398

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ANDERSON'S CREEK ESTATES 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 Anderson's Creek Estates Inc. of Collingwood, Ontario to acquire a land holding of approximately two decimal five (2.5) acres of land in Lot 22, Queens County, Province of Prince Edward Island, being acquired from Dana Jorgensen of Breadalbane, Prince Edward Island.

EC2012-399

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
B & R FARMS LIMITED
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to B & R Farms Limited of Montague, Prince Edward Island to acquire a land holding of approximately one hundred and six (106) acres of land in Lot 54, Kings County, Province of Prince Edward Island, being acquired from Claire Murphy of Montague, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2012-400

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
BELL ALIANT REGIONAL COMMUNICATIONS 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 Bell Aliant Regional Communications Inc. (successor to Aliant Telecom Inc. and Aliant Inc.) of Halifax, Nova Scotia to acquire, by lease, an interest a land holding of approximately six hundred and five square feet (approximately zero decimal zero one acres) of land in Lot 20, Queens County, Province of Prince Edward Island, being acquired from Hickey Farms Limited of Kensington, Prince Edward Island.

EC2012-401

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ISLAND NATURE TRUST
(TO RESCIND)

Council, having under consideration Order-in-Council EC2005-171 of 29 March 2005, rescinded the said Order forthwith, thus rescinding permission for Island Nature Trust of Charlottetown, Prince Edward Island to acquire a land holding of approximately twenty-seven (27) acres of land in Lot 39, Kings County, from Terry Kelly of Morell, Prince Edward Island.

EC2012-402

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MCKY ENTERPRISES LTD.
(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 McKy Enterprises Ltd. of Hunter River, Prince Edward Island to acquire a land holding of approximately nine decimal six one (9.61) acres of land in Lot 23, Queens County, Province of Prince Edward Island, being acquired from Rileigh's Retreat Ltd. of Moncton, New Brunswick.

Further, Council noted that the said land holding, being Provincial Property No. 929992, was previously subject to a condition preventing subdivision in accordance with section 9 of the said Act. This subdivision restriction continues to apply.

EC2012-403

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 086215, LOT 18, PRINCE COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately one hundred and nine decimal four six (109.46) acres of land, being Provincial Property No. 086215 located in Lot 18, Prince County, Prince Edward Island and currently owned by Arthur Cousins & Sons Inc. of Kensington, Prince Edward Island.

Council noted that this amendment will enable subdivision of two lots of approximately zero decimal two zero (0.20) acres and one decimal two seven (1.27) acres SUBJECT TO the 0.20 acre lot being consolidated with the adjacent Provincial Property No. 936765 and the 1.27 acre lot being consolidated with approximately one decimal two eight (1.28) acres being subdivided from Provincial Property No. 085654 to create a new lot of approximately two decimal five five (2.55) acres. Further, Council determined that following subdivision, identification for non-development use shall continue to apply to the new lot of approximately 2.55 acres and to the remaining land.

This Order-in-Council comes into force on July 17, 2012.

EC2012-404

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 085654, LOT 18, PRINCE COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately three hundred and seven decimal one two (307.12) acres of land, being Provincial Property No. 085654 located in Lot 18, Prince County, Prince Edward Island and currently owned by Arthur Cousins & Sons Inc. of Kensington, Prince Edward Island.

Council noted that this amendment will enable subdivision of three lots of approximately zero decimal zero two (0.02) acres, one decimal two eight (1.28) acres, and two decimal eight one (2.81) acres SUBJECT TO the 0.02 acre lot being consolidated with the adjacent Provincial Property No. 936765, the 1.28 acre lot being consolidated with approximately one decimal two seven (1.27) acres being subdivided from Provincial Property No. 086215 to create a new lot of approximately two decimal five five (2.55) acres, and the 2.81 acre lot being consolidated with the adjacent Provincial Property No. 611871. Further, Council determined that following subdivision, identification for non-development use shall continue to apply to the new lot of approximately 2.55 acres and to the remaining land.

This Order-in-Council comes into force on July 17, 2012.

EC2012-405

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 189209, LOT 40, KINGS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately twenty-eight (28) acres of land, being Provincial Property No. 189209 located in Lot 40, Kings County, Prince Edward Island and currently owned by MacSwain Holdings Inc. of Morell, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately five (5) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on July 17, 2012.

EC2012-406

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
MACLEAN FARMS LTD.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2008-71 of 29 January 2008, rescinded the said Order forthwith, thus rescinding permission for MacLean Farms Ltd. of Coleman, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to seventy-five (75) acres of land as part of the said corporation's aggregate land holdings.

EC2012-407

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
MACLEAN FARMS LTD.
(APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to MacLean Farms Ltd. of Coleman, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to three hundred and eight (308) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said MacLean Farms Ltd. files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

EC2012-408

LIQUOR CONTROL ACT
 APPROVAL TO LEASE PROPERTY
 RE: MONTAGUE LIQUOR STORE

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 enter into a ten-year lease renewal agreement with the Community Welfare League of Montague for approximately 6,000 square feet of space at a cost of \$9.00 per square foot for an annual lease cost of \$54,000.00.

EC2012-409

LIQUOR CONTROL ACT
 APPROVAL TO LEASE PROPERTY
 APPROVAL TO BORROW
 RE: O'LEARY LIQUOR STORE

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:

- (a) enter into a ten-year lease agreement with O'Leary Farmers Co-operative Association for approximately 4,258 square feet of space at a cost of \$7.75 per square foot for an annual lease cost of \$33,000.00;
- (b) alter the leased space by making tenant improvements; and
- (c) borrow up to \$400,000.00 from the Minister of Finance, Energy and Municipal Affairs for the said tenant improvements and related relocation costs.

EC2012-410

MUNICIPAL STATUTES AMENDMENT ACT 2012
 DECLARATION RE

Under authority of section 3 of the *Municipal Statutes Amendment Act 2012* Stats. P.E.I. 2012, c. 28 Council ordered that a Proclamation do issue proclaiming the said "Municipal Statutes Amendment Act 2012" to come into force effective July 28, 2012.

EC2012-411

NATURAL PRODUCTS MARKETING ACT
 EGG COMMODITY MARKETING REGULATIONS
 AMENDMENT

On the recommendation of the Prince Edward Island Marketing Council and under the authority of subsections 4(2) and (3) and section 29 of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3, Council made the following regulations:

1. Subsection 11(2) of the *Natural Products Marketing Act* Egg Commodity Marketing Regulations (EC274/76) is revoked and the following substituted:

(2) The commodity board shall appoint a returning officer if an election to the commodity board is to be held. Returning officer

(2.1) The returning officer shall, not later than the last day of each fiscal year of the commodity board in which an election is to be held, cause an election notice, which advises where nomination forms may be obtained, to be Duties

- (a) published in at least two daily or weekly newspapers; or
- (b) mailed to each registered producer, at the most recent address provided by the registered producer.

2. These regulations come into force on July 28, 2012.

EXPLANATORY NOTES

SECTION 1 amends a provision of the regulations that currently requires the returning officer to give an election notice by publication in two newspapers. The amendment now permits the returning officer to also provide such notice directly by mail.

SECTION 2 provides for the commencement of these regulations.

EC2012-412

NATURAL PRODUCTS MARKETING ACT DAIRY FARMERS OF PRINCE EDWARD ISLAND REGULATIONS AMENDMENT

On the recommendation of the Prince Edward Island Marketing Council and under the authority of subsections 4(2) and (3) and section 29 of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3, Council made the following regulations:

1. Subsection 9(2) of the *Natural Products Marketing Act* Dairy Farmers of Prince Edward Island Regulations (EC215/04) is revoked and the following substituted:

- (2) The returning officer shall Duties
- (a) not later than the second Saturday of January in each year in which an election is to be held, ensure that an election notice is
 - (i) published in at least two daily or weekly newspapers in circulation in each of the districts described in the Schedule for which an election is being held, or
 - (ii) mailed to each registered quota holder, at the most recent address provided by the registered quota holder, located in, or assigned to, the district for which an election is being held; and
 - (b) provide a nomination form to each quota holder who requests a nomination form.

2. These regulations come into force on July 28, 2012.

EXPLANATORY NOTES

SECTION 1 amends a provision of the regulations that currently requires the returning officer to give a notice of an election by publication in two newspapers. The amendment now permits the returning officer to also provide such notice directly by mail.

SECTION 2 provides for the commencement of these regulations.

EC2012-413AN ACT TO AMEND THE OFF-HIGHWAY VEHICLE ACT
DECLARATION RE

Under authority of section 3 of *An Act to Amend the Off-Highway Vehicle Act* Stats. P.E.I. 2012, c. 29 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Off-Highway Vehicle Act" to come into force effective 28 July 2012.

EC2012-414PROVINCIAL 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 Lisa M. MacDonald of DeGros Marsh, Prince Edward Island, as a Justice of the Peace in and for the Counties of Prince, Queens and Kings in the Province of Prince Edward Island for the period July 17, 2012 to March 31, 2013.

Further, Council ordered that should Lisa M. MacDonald cease to be employed by the Province of Prince Edward Island in her present capacity with the Provincial Court, that her appointment as Justice of the Peace shall terminate coincident with the date her employment terminates.

EC2012-415PROVINCIAL DEBENTURE ISSUE
MAXIMUM AGGREGATE PRINCIPAL AMOUNT \$200,000,000.00
STATEMENT
RECEIVED

Pursuant to subsection 49(6) of the *Financial Administration Act*, R.S.P.E.I. 1988, Cap. F-9, Council received the following details from the Minister of Finance, Energy and Municipal Affairs as to the sums of money raised pursuant to Order-in-Council EC2012-312 dated 5 June 2012:

Principal Amount:	\$200,000,000.00
Interest Rate:	3.65%
Date of Issue:	June 27, 2012
Maturity Date:	June 27, 2042

EC2012-416PUBLIC DEPARTMENTS ACT
ACTING MINISTERS
APPOINTMENTS

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointments were made:

1. Honourable George Webster to be Acting Premier and Acting President of the Executive Council commencing on the 20th day of July 2012, and continuing for the duration of the absence from the Province of Honourable Robert Ghiz.

2. Honourable Robert Vessey to be Acting Minister of Environment, Labour and Justice commencing on the 26th day of July 2012, and continuing for the duration of the absence from the Province of Honourable Janice Sherry.

3. Honourable Alan McIsaac to be Acting Minister of Innovation and Advanced Learning commencing on the 23rd day of July 2012, and continuing for the duration of the absence from the Province of Honourable Allen Roach.

EC2012-417

PUBLIC HEALTH ACT MILK PROCESSING REGULATIONS

Pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, Council made the following regulations:

DEFINITIONS

- | 1. In these regulations | Definitions |
|--|------------------------|
| (a) "Act" means, except where the context otherwise requires, the <i>Public Health Act</i> R.S.P.E.I. 1988, Cap. P-30; | Act |
| (b) "contact surface" means any surface, including equipment, that comes into contact with milk or milk products during processing; | contact surface |
| (c) "contaminated product" means a product that has been exposed to contamination; | contaminated product |
| (d) "contamination" means the introduction or occurrence in food or the food environment of any biological or chemical agent, pest, foreign material or substance that has the potential to compromise food safety or render the food unfit for human consumption or sale; | contamination |
| (e) "critical control point" means a point or procedure in a milk processing plant where, with respect to the receiving of milk or the processing of a product, a failure to exercise control over the process at that point or a failure to follow a procedure in the process may result in a health hazard; | critical control point |
| (f) "critical limit" means identified tolerances in processing that shall be met to ensure that a critical control point effectively controls a health hazard; | critical limit |
| (g) "fluid milk product" means a milk product sold in liquid form, including 3.25% milk, 2% milk, 1% milk, skim milk, blend, table cream, whipping cream and flavoured milk; | fluid milk product |
| (h) "food grade steam" means steam made from potable water; | food grade steam |
| (i) "HTST", in respect of pasteurization, means high temperature, short time; | HTST |
| (j) "hygienic practices" means all practices and measures necessary in the production, processing, and distribution of products to ensure that the products are free from contamination and meet the requirements in these regulations, including Schedules I and III; | hygienic practices |
| (k) "license" means a license issued by the Minister under section 11 of the Act for the operation of a milk processing plant; | license |
| (l) "license holder" means a person who holds a license to operate a milk processing plant and, for the purposes of these regulations, includes an agent of the license holder and a person to whom the license holder has delegated responsibility for the day-to-day operation of the milk processing plant; | license holder |
| (m) "pasteurization" means the process of heating every particle of a product in equipment that is designed and operated to meet or exceed the required time and temperature relationships specified in these regulations with the object of reducing the level of pathogenic | pasteurization |

micro-organisms associated with that product in order to assure the safety of the product over its intended shelf life and storage conditions;

(n) “pathogen” means any disease producing agent or micro-organism; pathogen

(o) “potable” means water that is free from pollution, harmful organisms and impurities; potable

(p) “processing” means the manufacture, modification, pasteurization, preparation, reconstitution, packaging or storage of products, and includes the cleaning and sanitizing of equipment and contact surfaces; processing

(q) “product” means milk or a milk product that
 (i) contains no oil or fat other than that of milk,
 (ii) is prescribed in Schedule II to these regulations, or
 (iii) contains a minimum of 50% milk ingredients by weight; product

(r) “sanitary” means a condition that prevents contamination by a microbiological, chemical or physical hazard; sanitary

(s) “sanitize” means to kill any pathogenic bacteria; sanitize

(t) “spoilage” means, in the case of raw milk and milk products, an action that renders the food unfit for human consumption; spoilage

(u) “toxin” means a poisonous substance that is produced by living cells or organisms that can cause disease. toxin

PART I

LICENSING REQUIREMENTS

2. (1) No license shall be issued or renewed by the Minister for the operation of a milk processing plant unless New applications for dairy manufacturing plant
- (a) in respect of a new license, an application is received by the Minister, in the form required by the Minister, containing a description and blueprint of the site, building and equipment, a product flow diagram, information regarding the source of raw milk, cleaning and sanitizing protocols, recall protocols, the products to be processed and the processes to be used;
- (b) in respect of a renewal of a license, any proposed change in the process to be used, the site, building, equipment, or the products to be processed; and
- (c) the applicant has complied with the applicable requirements of the Act and these regulations and has paid the prescribed fee.
- (2) All licenses shall be issued by the Minister in the form established by the Minister. Form
- (3) The fee for a license or a renewal of a license is \$300. Fee
- (4) A license holder shall report any change to the information provided by the license holder for the license or renewal that occurs within the term of the license to the Minister as soon as practicable. Requirement to report changes
- (5) The Minister may revoke a license whose information has changed as referred to in subsection (3) and may issue a new license to the license holder based on the new information provided. Revocation and reissue of license
- (6) Where the Minister imposes terms and conditions on a license in accordance with section 11.1(2) of the Act, the Minister shall notify the license holder in writing respecting the terms and conditions. Terms and conditions
- (7) The terms and conditions referred to in subsection (5) may be, but are not limited to, limitations or conditions respecting *Idem*
- (a) production processes;
- (b) products that may be processed;
- (c) use of equipment;
- (d) employment in production processes of persons who are not fully qualified; or
- (e) storage of raw materials prior to processing.

- 3.** (1) The Minister may refuse to issue or renew or may suspend the license for a milk processing plant where Suspension of license
- (a) the milk processing plant, its equipment or its operations do not meet the requirements of the Act or these regulations;
 - (b) the license holder does not comply with the provisions of the Act or these regulations;
 - (c) the Minister has reason to believe that public health will be endangered if the milk processing plant is allowed to continue operating; or
 - (d) the license holder has failed or is unable to take immediate corrective measures to remedy a contravention or failure to meet the requirements of the Act or these regulations.
- (2) The Minister shall not suspend a license under subsection (1) unless Notice of suspension
- (a) a health officer has, at the time of the inspection, notified the license holder of the failure to comply with the relevant provision of the Act or these regulations;
 - (b) a health officer has provided the license holder with a copy of an inspection report prepared by the health officer that sets out the failure to comply with the relevant provision of the Act or these regulations, the required corrective measures and the dates by which those measures must be implemented in order to avoid suspension; and
 - (c) a notice of suspension of license is delivered to the operator.
- (3) A suspension of a license under subsection (1) shall remain in effect Suspension period
- (a) until the required corrective measures have been taken and have been verified by a health officer; or
 - (b) throughout the 30-day period referred to in subsection 4(1) or a longer period authorized by the Minister under subsection 4(2).
- 4.** (1) The Minister may revoke the license for a milk processing plant where License revocation
- (a) the license holder has not implemented the required corrective measures within the 30-day period following the day on which the license was suspended or within any longer period of time allowed under subsection (2); or
 - (b) the application for the license contained false or misleading information.
- (2) If it is not possible for the license holder to implement the required corrective measures within the 30-day period referred to in clause (1)(a), the Minister may, on the request of the license holder, allow a longer period of time that the Minister considers adequate to implement those measures if, in the opinion of the Minister, there is no significant risk to human health. Extension of time
- (3) The Minister shall not revoke a license under subsection (1) unless Notice of cancellation
- (a) the license holder was provided with an opportunity to meet with the health officer and a representative of the Department of Health and Wellness to discuss the reasons for the revocation and refused or failed to respond to that opportunity; and
 - (b) a notice of revocation of the license was delivered to the license holder.
- 5.** (1) A person who is aggrieved by a decision of the Minister under subsection 3(1) or 4(1) or the imposition of terms and conditions on his or her license under section 11(6) of the Act may appeal the decision or imposition to the Supreme Court within 30 days after being served with notice of the decision or imposition. Appeal
- (2) On hearing an appeal, the Supreme Court may Decision on appeal
- (a) confirm, revoke or vary the terms and conditions imposed by the Minister or the decision appealed from;
 - (b) refer the matter, or any issue, back to the Minister for further consideration; or
 - (c) provide any direction that it considers appropriate.
- (3) The Supreme Court may make any order as to the costs of an appeal that it considers appropriate. Costs of appeal

PART II

PROCESSING FACILITIES AND EQUIPMENT

6. (1) An applicant for a license and a license holder shall ensure that the milk processing plant to which the license pertains at all times meets the standards set out in this section with respect to construction, layout and operation and continues to meet those standards in the course of, and following, any alterations or renovations. Standards of construction
- (2) All access routes and exterior traffic areas shall be constructed of a dense material so as to prevent contamination from dust and mud. Milk processing plant construction
- (3) The area surrounding the milk processing plant shall be maintained free of waste and refuse and of any other source that could contaminate the milk or milk products that are produced at the plant. Surrounding area
- (4) The exterior of the milk processing plant shall be constructed of materials that are durable and maintained in good repair. Construction materials
- (5) The building shall be equipped with doors, windows and other necessary openings that lead to the outside that have been designed and installed so as to prevent the entry of arthropods, birds, rodents or other vermin or contaminants from entering the milk processing plant and contaminating the product. Doors, windows, etc.
- (6) In order to prevent product contamination, open product handling areas within the milk processing plant shall have floors, walls and ceilings that are made of smooth, washable and waterproof material and are Floor
- (a) constructed in such a manner as to be easily cleanable;
- (b) free of cracks and crevices; and
- (c) with respect to floors,
- (i) free draining to drains that are connected to sewer piping that will adequately carry the waste from the plant in a sanitary manner, and
- (ii) joined to the wall so as to prevent the accumulation of dirt and liquids.
- (7) A milk processing plant shall be designed and constructed so that effluent or sewage lines do not pass directly over or through production areas unless they do not pose a contamination risk to production and storage areas. Design of waste system
- (8) A milk processing plant shall Potable water
- (a) have an adequate source of potable hot and cold water and food grade steam to serve the needs of the plant; and
- (b) be equipped with waste and sewage disposal systems to remove processing waste from the plant in a sanitary manner.
- (9) A milk processing plant shall be designed so as to prevent cross-contamination between raw ingredients and finished products. No cross-contamination
- (10) Portable processing facilities and processing facilities with drainage piping shall be connected to a drain. Portable processing facilities
- (11) A milk processing plant shall be equipped with a lighting system in each area that is Lighting
- (a) designed and installed to enhance production and handling operations as well as the cleaning and disinfecting of facilities and equipment; and
- (b) protected in order to prevent the contamination of product or packaging, in the event of the breaking of a lighting element.
- (12) A milk processing plant shall be equipped with a ventilation system that vents condensation, vapours and odours to the exterior and provides air flow that does not contaminate product. Ventilation
- (13) A milk processing plant shall be equipped with Hand washing station, change areas
- (a) sanitary hand washing stations in working areas, equipped with hot and cold potable water under pressure, dispensed soap and either paper towels or electric hand dryers so as to facilitate the cleaning and disinfecting of hands; and

- (b) for employees and visitors, a change area and washrooms that do not lead directly into processing and packaging areas of the plant, and are equipped with hot and cold potable water under pressure, toilets and sanitary hand washing sinks with dispensed soap and either paper towels or electric hand dryers so as to facilitate the cleaning and disinfecting of hands.
- 7.** (1) A license holder shall ensure that all equipment used in a milk processing plant is designed, constructed, installed and operated in compliance with these regulations. Design, construction and installation of equipment
- (2) A license holder shall ensure that all parts of a milk processing plant, including the equipment, are maintained and operated in a safe and sanitary manner. Safe and sanitary manner
- (3) A license holder shall ensure that all equipment used in the processing of products is designed, constructed, installed and operated so as to assure that there is no cross-contamination of pasteurized products by any other product. No cross-contamination
- (4) A license holder shall ensure that the contact surfaces of the material and equipment are Contact surfaces of materials and equipment
- (a) made of non-corrosive material;
- (b) smooth and have no crevices or loose parts;
- (c) non-toxic and resistant to damage from cleaning and disinfecting operations;
- (d) unaffected by products, and constructed in such a way so as not to alter the characteristics of the products; and
- (e) free of components or residue which may act as contamination agents for products.
- (5) A license holder shall ensure that steam introduced directly into the products, or which comes into direct contact with the contact surfaces, is prepared from potable water and is free of harmful substances. Use of steam
- (6) A license holder shall ensure that material and equipment constructed by assembly, other than by welding, is removable, and each component is accessible so as to allow cleaning, disinfection and inspection. Accessibility of components for cleaning
- 8.** (1) Subject to subsection (2), no person shall sell a product unless the product has been pasteurized in accordance with Schedule I. Pasteurization
- (2) Subsection (1) does not apply to products that have not been pasteurized that Un-pasteurized products sold for further processing
- (a) are sold or distributed for further processing to a license holder in accordance with subsection 11.1(2) of the Act; and
- (b) are clearly and prominently marked “Not for Retail Sale – Product not Pasteurized”.
- (3) A license holder shall ensure that all pasteurization equipment is designed, constructed, and operated to ensure the proper pasteurization of products and the pasteurization equipment meets the requirements of these regulations. Pasteurization equipment
- (4) HTST pasteurizers shall be designed to ensure that when in operation HTST pasteurizers
- (a) the flow diversion valve does not operate in forward flow unless the temperature of the product being pasteurized equals or exceeds that required for its proper pasteurization; and
- (b) the product pressure in the pasteurized side of the regenerator is at least 14 kPa greater than the product pressure in the raw side of the regenerator.
- (5) All batch pasteurizers shall be equipped with Batch pasteurizers
- (a) indicating or recording thermometers;
- (b) close coupled outlet valves and leak protector inlet and outlet valves provided with stops, or valves equivalent in effectiveness in preventing the mixing of unpasteurized and pasteurized product;
- (c) mechanical agitation that is continuously maintained throughout the heating and holding operations; and
- (d) covers adequate to prevent contamination.

(6) Where an indicating thermometer is used, a suitable recording procedure shall be established and maintained.

(7) During the minimum holding period, the airspace temperature in batch pasteurizers shall be at least 3°C above the minimum temperature set out in Schedule I. Airspace temperature

(8) All HTST pasteurizers shall be equipped with HTST pasteurizers

- (a) recording thermometer;
- (b) a constant level tank;
- (c) a regeneration section;
- (d) a flow control device;
- (e) a heating section;
- (f) a holding device;
- (g) a sensing chamber;
- (h) a safety thermal limit recorder;
- (i) an indicating thermometer;
- (j) a flow diversion device;
- (k) a pressure differential controller or pressure switch if a booster pump is used;
- (l) a cooling section where applicable;
- (m) a vacuum breaker; and
- (n) components that ensure that the pasteurized product in the regeneration section will, at all times, be at a pressure greater than the pressure of the raw product in the same regeneration section.

(9) Auxiliary equipment shall not be installed or operated in conjunction with an HTST pasteurizer so as to Auxiliary equipment

- (a) reduce the holding time below the minimum set out in Schedule I;
- (b) influence the required pressure relationships within the regenerator; or
- (c) function as a flow promoting device, except where the auxiliary equipment is inter-wired with the flow control device.

(10) All HTST pasteurizers shall be capable of cooling fluid milk and fluid cream to a temperature of 4°C. Cooling capacity

(11) All batch pasteurizers shall be capable of cooling fluid milk and fluid cream to a temperature of 4°C within one hour after the end of the minimum holding period specified in Schedule 1. Cooling period

(12) A milk processing plant license holder shall ensure that all temperature-indicating devices are accurate and maintained in working order. Accuracy of temperature devices

PART III

PRODUCT STANDARDS

9. (1) A license holder shall Raw milk received

- (a) ensure that all raw milk received at a milk processing plant
 - (i) is at a temperature of 6°C or less, and
 - (ii) tests negative for the presence of veterinary drug residues and inhibitory substance residues as tested by an approved screening method or tests below the maximum residue level permitted by a quantitative method approved by the Canadian Food Inspection Agency; and
- (b) retain a copy of the information recorded in respect of the raw milk by the driver who delivered it.

(2) A license holder shall ensure that all raw milk received at a milk processing plant is stored in a manner so as to be protected from spoilage and contamination. Protection from spoilage and contamination

(3) A license holder shall ensure that non-milk ingredients and supplies used in the processing of products Use of non-milk ingredients

- (a) conform to the requirements of the *Food and Drugs Act* (Canada) and the regulations made under that Act; and
- (b) are protected from contamination.

- (4) A license holder shall ensure that all raw materials and ingredients, during their use, are fit for human consumption and, before their use, are stored so as to be kept free of contamination and infestation. Storage of raw materials and ingredients
- (5) A license holder shall ensure that containers of raw materials and ingredients are labelled to identify the type of raw materials and ingredients they contain. Labelling of raw materials and ingredients
- (6) Products that require refrigeration shall be kept at all times at a temperature that does not exceed 4°C. Cooling of products
- (7) Products whose manufacturing processes include processing at a higher temperature than that required under subsection (6), including but not limited to drying, curing and aging, shall be processed at the appropriate temperature for that product and, when processing is completed, kept as required under subsection (6). Exception for processing
- (8) Products that are intended to be consumed as frozen products must be maintained in a frozen state at minus 18°C at all times. Frozen products
- 10.** A person shall ensure that all processed fluid milk products offered for sale or sold are Processed milk standards
- (a) properly pasteurized;
 - (b) stored, held for sale or displayed at a temperature not greater than 4°C;
 - (c) transported at a temperature not greater than 4°C; and
 - (d) stored, transported, distributed, displayed or held for sale under clean and sanitary conditions.
- 11.** (1) A license holder shall ensure that each product does not contain detectable levels of food-borne pathogens and microbial toxins except as provided for in Schedule III and meets the microbiological, chemical and temperature standards as prescribed in Schedules I and III. Food-borne pathogens and microbial toxins
- (2) No person shall knowingly sell, offer for sale, distribute or supply to any person a product that contains pathogenic bacteria or any foreign substance in excess of the limits set out in Schedule III to these regulations. Pathogenic bacteria

PART IV

ADDITIVES

- 12.** (1) No license holder shall add to a product any substance other than those substances approved as additives under the *Food and Drugs Act* (Canada) and the regulations under that Act. Additives
- (2) A license holder shall ensure that all products meet the food additive and labelling requirements specified in the *Food and Drugs Act* (Canada) and the regulations under that Act. Additive requirements

PART V

RECORDS

- 13.** (1) A license holder shall establish and maintain written protocols to ensure a particular lot of a product can be identified and traced from the point of purchase of the raw product to the point of distribution. Records
- (2) A license holder shall ensure that process control records for batch pasteurizers provide the following information for each pasteurization process: Required information
- (a) plant name and address or license number;
 - (b) date, shift and batch number where applicable;
 - (c) vat number;
 - (d) a record of the time of filling and emptying the vat and record of holding period;
 - (e) a reading of the air space thermometer in the pasteurizer during pasteurization;
 - (f) a reading of the indicating thermometer during pasteurization;
 - (g) amount and name of product represented by each batch or run;

- (h) time of any unusual occurrence and operator's comments respecting and reasons for the occurrence; and
 (i) signature or initials of operator.
- (3) The reading of the indicating thermometer referred to in clause (f) shall never be lower than the recording thermometer reading during the holding period. Prohibition
- (4) A milk processing plant license holder shall maintain a complete and accurate record of the temperature used in pasteurization for each lot of pasteurized product. Temperature records
- (5) A license holder shall ensure that temperature records are retained at the milk processing plant for not less than twelve months and contain the following information: Records retention
- (a) the name of the milk processing plant;
 - (b) the date;
 - (c) the serial numbers of both pasteurizer and recorder;
 - (d) the temperature of pasteurization as shown by the indicating thermometer during the holding period;
 - (e) the name and signature of the pasteurizer operator;
 - (f) the products processed;
 - (g) the flow diversion valve position, whether forward or divert;
 - (h) the cut-in and cut-out temperature recorded by the operator at start-up, when a new set point is selected or at the beginning of each product run.
- (6) A license holder shall maintain records of the training completed by each employee while that employee is employed at the milk processing plant. Training records

PART VI

EMPLOYEES AND VISITORS

- 14.** (1) A license holder shall ensure that all employees who work with processing equipment are trained and competent to carry out their assigned duties or functions. Employee training
- (2) A license holder shall ensure that entry to the processing, manufacturing, reprocessing, storage, packing and repacking areas of a milk processing plant is restricted to authorized personnel. Entry restrictions
- (3) A license holder shall institute hygienic practices in the milk processing plant and require all employees who work with processing equipment and all visitors to comply with those practices so as to ensure the sanitary processing of products. Hygienic practices
- (4) A license holder shall ensure, for the purpose of eliminating cross-contamination between unpasteurized and pasteurized product, that employees who work with processing equipment Process workers
- (a) wear work apparel that shows dirt easily and that has no pockets or buttons above the waist;
 - (b) wear a head covering in order to completely cover the hair and ears and a beard-cover to cover the beard, if any, while working in the plant;
 - (c) before moving from a high potential cross-contamination area to an area with less potential cross-contamination,
 - (i) change soiled clothing or cover clothing,
 - (ii) clean footwear in a sanitary footbath provided for the purpose, and
 - (iii) clean hands at a hand washing station; and
 - (d) do not wear watches or exposed jewellery within the product processing areas.
- (5) A license holder shall not allow Prohibitions
- (a) any person who has a notifiable disease that is transmissible through food to be or to work in a food contact area;
 - (b) any product to be handled by a person who has a notifiable disease that is transmissible through food;
 - (c) any product to be handled by a person who has an open sore unless that person is wearing a waterproof protection on the wound

that prevents contamination of the product, ingredients, or contact surfaces.

PART VII

SAFETY AND SANITATION

- 15.** (1) A license holder shall not sell any product for human consumption that is contaminated. Contaminated products
- (2) A license holder shall establish and maintain written protocols to ensure that products processed and stored in the milk processing plant are not contaminated, including Documentation
- (a) the identification of critical control points;
 - (b) the critical limits for all critical control points;
 - (c) the procedures required to ensure adherence to the critical limits; and
 - (d) actions to be taken in the event that critical limits are not met.
- 16.** (1) A license holder shall ensure that milk processing plant facilities, material and equipment are kept clean. Cleanliness
- (2) A license holder shall establish and maintain written protocols for the milk processing plant's sanitation program. Written procedures
- (3) The sanitation program for a milk processing plant shall include Sanitation program
- (a) cleaning and sanitizing requirements and protocols for the milk processing plant, including equipment; and
 - (b) identification of cleaning and sanitizing agents and their concentrations and use in accordance with the requirements of the Canadian Food Inspection Agency.
- 17.** (1) A license holder shall ensure that hand cleaning of equipment Cleaning materials and agents
- (a) is carried out with non-metallic materials; and
 - (b) all cleaning agents, disinfectants, insecticides, pesticides and other methods of fighting pests shall conform to the requirements of the Canadian Food Inspection Agency.
- (2) Subject to subsection (3) all cleaning agents, disinfectants, insecticides and pesticides shall be stored in an enclosed area or compartment, outside the product handling areas, and the containers for these products shall be labelled to identify the nature of the contents. Storage of cleaning agents, etc.
- (3) In cases where, as part of the daily operation, it is necessary to make constant use of a cleaning agent, disinfectant, insecticide or pesticide referred to in this section, the containers identified as being for daily use may be stored in an enclosed compartment located inside the product processing areas. Storage of daily use products

PART VIII

STANDARDS

- 18.** A license holder shall ensure that all analysis of products is conducted by methods outlined in the most recent edition of Standard Methods for the Examination of Dairy Products published by the Canadian Public Health Association or the most recent edition of the Official Methods of Analysis of the Association of Official Analytical Chemists. Analysis methods
- 19.** (1) The standards set out in Schedules I and III are hereby adopted and form part of these regulations. Adoption of standards
- (2) A license holder shall ensure that the standards set out in Schedules I and III are met during processing in the milk processing plant. License holder's responsibility
- 20.** (1) In this Part, "Manual" means the provisions of the Dairy Establishment Inspection Manual developed by the Canadian Food Inspection Agency, as amended from time to time, which pertain to the types of equipment that shall be used in the receiving, processing, pasteurizing, manufacturing, packaging, storing and dispensing of milk and milk products. "Manual", defined

(2) The Manual is hereby adopted and forms part of these regulations. Adoption of Manual

(3) A license holder shall ensure that the milk processing plant, its equipment and its operations meet the applicable requirements set out in the Manual. License holder's responsibility

(4) In the event of a conflict between a provision of the Manual and a provision of these regulations, the provision of the Manual prevails to the extent of the conflict. Conflict

PART IX

ENFORCEMENT AND PENALTIES

21. Where a health officer seizes or detains a product or any other thing pursuant to the Act or these regulations, the health officer shall affix to the product or other thing a detention tag on which the following is clearly marked: Seizure or Detention

- (a) the words "UNDER DETENTION" in letters of at least 24 point font;
- (b) an identification number;
- (c) a description of the product or other thing;
- (d) the reason for the seizure or detention;
- (e) the date of the seizure or detention;
- (f) the name of the health officer, in block letters, and the signature of the health officer.

(2) No person shall alter, deface or remove a detention tag attached to a product or any other thing unless the person is authorized to do so by a health officer. Prohibition

22. (1) A health officer shall, after seizing or detaining a product or any other thing in accordance with section 21, forthwith deliver or mail a notice of detention Notice of detention

- (a) to the person having the care or custody of the product or other thing at the place where it was detained and to the person having the care or custody of the product or other thing at the place where it is being detained; and
- (b) to the owner of the product or other thing that was seized or detained, or to the owner's agent.

(2) A notice of detention referred to in subsection (1) shall state that the product or other thing was seized or detained pursuant to the Act and these regulations and shall set out *Idem*

- (a) the detention tag identification number;
- (b) a description of the product or other thing;
- (c) the reason for the seizure or detention;
- (d) the date of the seizure or detention;
- (e) the name of the health officer, in block letters, and the signature of the health officer;
- (f) the place of detention; and
- (g) the telephone number to call for further information in respect of the seizure or detention.

23. A product or other thing seized or detained under the Act and these regulations shall be detained at the owner's expense under storage conditions appropriate to the preservation of the product or other thing. Preservation of detained product

24. If a health officer releases a product or other thing after determining that it meets the requirements of the Act and these regulations, the health officer shall deliver or mail one copy of a notice of release to each of the persons to whom a copy of a notice of detention referred to in section 22 was delivered or mailed. Notice of release

25. A license holder shall establish and maintain a written protocol for the recall of products that do not meet the requirements set out in these regulations, indicating Product recalls

- (a) the person responsible for carrying out the program;
- (b) methods of identifying batches or lots of the products;
- (c) notification and other procedures to effect the recall;
- (d) subject to the direction of a health officer, disposition of the product recalled; and

(e) steps to be taken to avoid similar recalls in the future.

26. The Chief Health Officer shall order a Level I or II recall of a product in accordance with section 27 or 28 where the failure of the product to comply with the standards set out in these regulations constitutes a danger to public health, including but not limited to circumstances where the product is contaminated with any of the following:

- (a) pathogens, including but not limited to listeria and salmonella;
- (b) chemical contaminants;
- (c) extraneous matter, including but not limited to glass and metal fragments; or
- (d) food ingredients not permitted under the *Food and Drugs Act* (Canada) or these regulations.

27. (1) The Chief Health Officer shall issue a Level I recall order to a license holder in respect of a product that does not meet the standards set out in these regulations when there is a high risk that eating or drinking that product will lead to serious health problems or death.

(2) The Chief Health Officer shall issue a public warning for a Level I recall when the product is available for sale or could be in a consumer's home.

28. (1) The Chief Health Officer shall issue a Level II recall order to a license holder in respect of a product that does not meet the standards set out in these regulations if eating or drinking that product will probably lead to short-term or non-life-threatening health problems or where the chance of any serious health symptoms is low.

(2) The Chief Health Officer may issue a public warning for a Level II recall based on the Chief Health Officer's assessment of risk and other criteria that are appropriate in the opinion of the Chief Health Officer, including but not limited to the expected severity of symptoms in vulnerable populations such as children, pregnant women and seniors.

29. The Chief Health Officer may issue a Level III recall order to a license holder in respect of a product and request that the license holder recall the product in accordance with section 26 where the product does not meet the standards set out in these regulations but eating or drinking that product will probably not result in any undesirable health effects.

30. These regulations come into force on August 1, 2012.

SCHEDULE I

Minimum Pasteurization Parameters for Batch and HTST Pasteurizers

Product	Pasteurization Type	Minimum holding period	Minimum temperature during holding period
Milk Based Products - below 10% MF	Batch/Vat	30 minutes	63°C
Milk Based Products - below 10% MF	HTST	15 seconds	72°C
Milk Based Products - 10% MF or higher, or added sugar (fluid cream, chocolate milk, flavoured milk)	Batch/Vat	30 minutes	66°C
Milk Based Products - 10% MF or higher, or added sugar (fluid cream, chocolate milk, flavoured milk)	HTST	15 seconds	75°C
Frozen Dairy Product Mixes, Eggnog	Batch/Vat	30 minutes	69°C
Frozen Dairy Product Mixes	HTST	25 seconds	80°C
Eggnog	HTST	15 seconds	83°C

SCHEDULE II

For the purposes of section 11.1(2) of the Act, the milk products that may be processed or manufactured in a milk processing plant are as follows:

Fluid milk products, including:

- 3.25% milk;
- 2% milk;
- 1% milk;
- skim milk;
- blend;
- table cream;
- whipping cream;
- chocolate milk and other flavoured milk.

Frozen dairy product mixes

Frozen products

Eggnog

Cheese

Fermented products, including:

- Buttermilk;
- Yogourt;
- Sour cream.

Butter

SCHEDULE III**Standards for Products**

Product	Bacteria	n	c	m	M
Cheese (pasteurized milk)	S. aureus	5	2	100	10,000 (/g)
	E. coli	5	2	100	1,000 (/g)
Cheese (pasteurized) without ripening, including fresh cheeses, lactic curd with a minimum of 50% moisture	Coliform	5	2	10	100 (/g)
Fermented products (e.g. buttermilk, yogourt, sour cream)	Coliform	5	2	10	100 (/g or ml)
Pasteurized milk, cream and other non-fermented products	Mesophilic aerobic bacteria (32°C)	5	2	10,000	25,000 (/ml)
	Coliform	5	2	1	10 (/ml)
Frozen products	Mesophilic aerobic bacteria (32°C)	5	2	10,000	50,000 (/ml)
	Coliform	5	2	10	100 (/ml)
Butter	Mesophilic aerobic bacteria (32°C)	5	2	10,000	50,000 (/g)
	Coliform	5	2	10	100 (/g)

Where:

n=number of sample units to be examined per lot;

c=maximum number of sample units per lot that are permitted to have a bacterial concentration higher than the value for "m";

m=maximum number of bacteria per g or ml of product that is acceptable;

M=maximum number of bacteria per g or ml of product that, if exceeded in any one sample unit, renders the product contaminated.

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations, including definitions of “pasteurization”, “processing” and “product”.

SECTION 2 establishes the requirements for license applications and renewals, sets the fee for a license or renewal at \$300, and requires a license holder to report any change to the information provided in the application for a license to the Minister. This section also sets out the kinds of terms and conditions that may be imposed on a license in accordance with subsection 11.1(2) of the Act, and requires the Minister to give notice to a license holder in writing when terms and conditions are being imposed on a license.

SECTION 3 sets out the circumstances in which the Minister may suspend a license or refuse to issue or renew a license and provides that before a license can be suspended the license holder must be notified of the reasons for the proposed suspension and given an opportunity to comply with the requirements of the Act and the regulations.

SECTION 4 sets out the circumstances in which the Minister may revoke a license and provides that before a license can be suspended the license holder must be notified of the reasons for the proposed revocation and given an opportunity to discuss the reasons with the health officer and a representative of the Department of Health and Wellness.

SECTION 5 provides for an appeal to the Supreme Court for a decision of the Minister under subsections 3(1) and 4(1) or the imposition of terms and conditions on a license, and allows the court hearing the appeal to confirm, revoke or vary the decision or the terms and conditions, refer the matter back to the Minister for further consideration, or provide any direction that the court considers appropriate.

SECTION 6 sets out requirements respecting the construction, layout, operation and equipment of milk processing plants and requires each applicant and license holder to ensure that the milk processing plant meets those requirements.

SECTION 7 sets out requirements respecting the design, construction, installation and operation of equipment used in the milk processing plant.

SECTION 8 prohibits the sale of milk or milk products that have not been pasteurized, except those products that are sold to another license holder for further processing in accordance with subsection 11.1(2) of the Act, and are clearly marked “Not for Retail Sale – Product not Pasteurized”. Section 8 also sets out requirements regarding pasteurization of products, in particular to ensure that products are processed at the proper temperatures and for the proper times and that there is no cross contamination between unpasteurized and pasteurized products during processing.

SECTION 9 establishes standards for products and their handling and storage, including temperature requirements for raw milk, refrigerated products and frozen products.

SECTION 10 requires all persons to ensure that products offered for sale are properly pasteurized and are handled during transportation, storage and display in accordance with the requirements of the regulations regarding temperature and cleanliness. Section 10 also prohibits the sale of fluid milk products if testing within 48 hours after pasteurization shows a higher than permitted bacteria count.

SECTION 11 requires a license holder to ensure that products do not contain food borne pathogens and microbial toxins except as provided for in Schedule III, and prohibits the sale, distribution or supply of a product that contains bacteria or foreign substances in excess of those permitted under Schedule III.

SECTION 12 prohibits the addition of additives to products except those approved under the Food and Drugs Act (Canada), and requires license holders to ensure that all products meet the additive and labelling requirements of that Act.

SECTION 13 requires a license holder to establish and maintain written protocols to ensure that a particular batch of product can be traced, and specific records in respect of each pasteurization process.

SECTION 14 requires a license holder to ensure that employees are properly trained and comply with hygienic practices to eliminate cross contamination between pasteurized and unpasteurized product. It also prohibits entry of unauthorized personnel to the processing areas of the plant, and the handling of products by persons with open sores, unless the wound is covered, or notifiable diseases that are transmissible through food.

SECTION 15 prohibits the sale of products that are contaminated and requires license holders to establish and maintain written protocols to ensure that products do not become contaminated during processing.

SECTION 16 requires the license holder to ensure that the milk processing plant is kept clean and to establish and maintain written protocols for the plant's sanitation program.

SECTION 17 requires the license holder to ensure that equipment is cleaned properly and in accordance with the requirements of the Canadian Food Inspection Agency, and that cleaning agents, pesticides and so on are properly labelled and stored in the plant.

SECTION 18 requires that testing of products is conducted by approved methods.

SECTION 19 adopts the standards set out in Schedules I and III and requires license holders to ensure that those standards are met during processing.

SECTION 20 adopts the provisions of the Dairy Establishment Inspection Manual, developed by the Canadian Food Inspection Agency, which pertain to the equipment and processes used in processing milk and milk products, and requires a license holder to ensure that the milk processing plant and its equipment meet those standards. It also provides that in the event of a conflict between a provision of the Manual and a provision of the regulations, the Manual prevails to the extent of the conflict.

SECTION 21 provides rules for the detention or seizure of products by a health officer and prohibits the removal of a detention tag attached to a product by a health officer.

SECTION 22 requires a health officer who has seized or detained a product to give notice in writing to the person who has care or custody of the product and to the owner of the product.

SECTION 23 requires the owner of the product to pay any expenses associated with the storage of the seized or detained product.

SECTION 24 requires a health officer to give notice of the release of a seized or detained product to the same persons who were given notice of the seizure or detention under section 23.

SECTION 25 requires a license holder to establish and maintain written protocols for the recall of products.

SECTION 26 sets out the circumstances in which the Chief Health Officer shall issue a level I or II recall order.

SECTION 27 further clarifies the issuance of a Level I recall order and an associated public warning in respect of the recalled product.

SECTION 28 further clarifies the issuance of a Level II recall order and an associated public warning in respect of the recalled product.

SECTION 29 allows the Chief Health Officer to request that a license holder recall a product where the product does not meet the required standards but does not present risks to the health of those who consume it.

SECTION 30 provides for the commencement of these regulations.

EC2012-418

SUMMARY PROCEEDINGS ACT TICKET REGULATIONS AMENDMENT

Pursuant to section 10 of the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, Council made the following regulations:

1. (1) Part 30 of Schedule 2 of the *Summary Proceedings Act* Ticket Regulations (EC58/08) is amended

(a) by the addition of the following after item 72:

72.1 Failure to comply with ignition interlock condition imposed by Registrar on driver's license of person.....	89(e.1)	500
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(b) by the revocation of item 73 and the substitution of the following:

73 Failing to comply with restriction or condition, other than one respecting ignition interlock, imposed by Registrar on driver's license of person	89(f)	200
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(c) in item 315, by the deletion of the words "\$1000" and the substitution of the words "\$2,000".

(2) Part 39 of Schedule 2 of the regulations is amended

(a) in item 2, by the deletion of the word "50" and the substitution of the word "250";

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

3 Operating off-highway vehicle on Confederation Trail without permit or without the permit affixed to the vehicle as required.....	1.2(2)	225
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(c) in items 11 and 12, by the deletion of the word "50" and the substitution of the word "250";

(d) in item 15, by the deletion of the word "50" and the substitution of the word "250";

(e) by the revocation of item 19 and the substitution of the following:

19 Operating off-highway vehicle on any portion of highway.....	12(1)	250
Subsequent offence.....		500

(f) by the revocation of item 30.

(3) Part 40 of Schedule 2 of the regulations is amended

(a) in item 1, by the deletion of the words "\$50" and the substitution of the words "\$250";

(b) in item 2, by the deletion of the word "50" and the substitution of the word "250";

(c) by the revocation of items 3 and 4 and the substitution of the following:

3 Operator of, or passenger on, off-highway vehicle failing to wear helmet that complies with the required standards.....	6(a)	250
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3.1 Operator of, or passenger on, off-highway vehicle failing to wear goggles which wrap around and enclose the eyes.....	6(b)	250
3.2 Operator of, or passenger on, off-highway vehicle failing to wear gloves, footwear and sturdy clothing which covers the entire body, including the ankles, legs and arms to wrists.....	6(c)	250
4 Operator of off-highway vehicle operating vehicle between boundary line of highway and line of shoulder farthest removed from travelled portion of highway without holding valid driver's license issued under the <i>Highway Traffic Act</i>	8(2)(a)	250
4.1 Operator of off-highway vehicle operating vehicle between boundary line of highway and line of the shoulder farthest removed from travelled portion of highway without either holding a valid driver's license issued under the <i>Highway Traffic Act</i> for at least 24 consecutive months prior to operating the off-highway vehicle or successfully completing an off-highway vehicle safety training course approved by Registrar.....	8(2)(b)	250

(d) in item 7, by the deletion of the word “50” and the substitution of the word “250”;

(e) by the revocation of items 10 and 11 and the substitution of the following:

10 Operation of off-highway vehicle, other than a snowmobile, by person under 14 years of age	12(2)(a)	250
11 Operation of off-highway vehicle, other than a snowmobile, by person 14 or 15 years of age who has not successfully completed an off-highway vehicle safety training course approved by the Registrar.....	12(2)(b)(i)	250
11.1 Operation of off-highway vehicle, other than a snowmobile, by person 14 or 15 years of age who is not directly supervised by an adult who holds a valid driver's license issued under the <i>Highway Traffic Act</i> and has either held the license for at least 24 consecutive months prior to supervising the person or successfully completed an off-highway vehicle safety training course approved by the Registrar.....	12(2)(b)(ii)	250
11.2 Operation of off-highway vehicle, other than a snowmobile, by person 16 years of age or older who does not either hold a valid driver's license issued under the <i>Highway Traffic Act</i> that he or she has held for at least 24 consecutive months prior to operating the off-highway vehicle or successfully complete an off-highway vehicle safety training course approved by the Registrar prior to operating the off-highway vehicle or who holds a driver's license issued under the <i>Highway Traffic Act</i> that is suspended	12(2)(c)	250
11.3 Owner of off-highway vehicle, other than a snowmobile, permitting it to be operated by a person less than 14 years of age.....	12(3)(a)	250
11.4 Owner of off-highway vehicle, other than a snowmobile, permitting it to be operated by a person 14 or 15 years of age who has not successfully completed an off-highway vehicle safety training course approved by the Registrar.....	12(3)(b)(i)	250
11.5 Owner of off-highway vehicle, other than a snowmobile, permitting it to be operated by a person 14 or 15 years of age who is not directly supervised by an adult who holds a valid driver's license issued under the <i>Highway Traffic Act</i> and has either held the license for at least 24 consecutive months prior to supervising the person or successfully completed an off-highway vehicle safety training course approved by the Registrar.....	12(3)(b)(ii)	250
11.6 Owner of off-highway vehicle, other than a snowmobile, permitting it to be operated by a person 16 years of age or older who does not either hold a valid driver's license issued under the <i>Highway Traffic Act</i> that he or she has held for at least 24 consecutive months prior to operating the off-highway vehicle or successfully complete an off-highway vehicle safety training course approved by the Registrar prior to operating the off-highway vehicle or who holds a driver's license issued under the <i>Highway Traffic Act</i> that is suspended.....	12(3)(c)	250

(f) in items 12 and 13, by the deletion of the word “50” and the substitution of the word “250”; and

(g) in item 22, by the deletion of the word “250” and the substitution of the word “225”.

2. These regulations come into force on July 28, 2012.

EXPLANATORY NOTES

SECTION 1 amends the *Summary Proceedings Act* Ticket Regulations to reflect amendments made to offences provided for in the *Highway Traffic Act*, the *Off-Highway Vehicle Act* and the *Off-Highway Vehicle Act* Regulations.

SECTION 2 provides for the commencement of these regulations.

EC2012-419**AN ACT TO AMEND THE PUBLIC HEALTH ACT
DECLARATION RE**

Under authority of section 6 of *An Act to Amend the Public Health Act* Stats. P.E.I. 2012, c. 31 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Public Health Act" to come into force effective 1 August 2012.