

EC2020-145

EXECUTIVE COUNCIL ACT
 MINISTER OF AGRICULTURE AND LAND
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (CONTRIBUTION AGREEMENT – AGRICULTURAL CLEAN
 TECHNOLOGY PROGRAM)
 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 Agriculture and Land to enter into a contribution agreement for the Agricultural Clean Technology Program, with the Government of Canada as represented by the Minister of Agriculture and Agri-Food, for the Clean Technology Novel Bio-product Boiler Pilot Demo, effective upon signing for the period June 12, 2019 until March 31, 2020, such as more particularly described in the draft agreement.

EC2020-146

**HOSPITAL AND DIAGNOSTIC SERVICES INSURANCE ACT
 REGULATIONS
 AMENDMENT**

Pursuant to section 11 of the *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8, Council made the following regulations:

- 1. Clause 1(1)(l) of the *Hospital and Diagnostic Services Insurance Act Regulations* (EC539/63) is amended by the deletion of the words “Schedule C” and the substitution of the words “Schedule B”.**
- 2. Item 5 of Schedule A to the regulations is revoked.**
- 3. Schedule C to the regulations is renamed as Schedule B.**
- 4. These regulations come into force on March 14, 2020.**

EXPLANATORY NOTES

SECTION 1 amends a reference to a Schedule.

SECTION 2 removes a former hospital and health centre from the list of community hospitals in Schedule A.

SECTION 3 renames Schedule C as Schedule B.

SECTION 4 provides for the commencement of these regulations.

EC2020-147

**OCCUPATIONAL HEALTH AND SAFETY ACT
GENERAL REGULATIONS
AMENDMENT**

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

1. The enacting clause of the *Occupational Health and Safety Act* General Regulations (EC180/87) is revoked and the following substituted:

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

2. Section 1.3 of the regulations is amended by the deletion of the words “International Metric (S.I.) units” and the substitution of the words “International Metric (SI) units”.

3. Section 1.4 of the regulations is amended

(a) in clause (a), by the deletion of the words ““A.C.G.I.H.” means the” and the substitution of the words ““ACGIH” means the”;

(b) in clause (c), by the deletion of the words ““A.N.S.I.” means American” and the substitution of the words ““ANSI” means the American”; and

(c) in clause (e), by the deletion of the words ““C.S.A.” means the” and the substitution of the words ““CSA” means the”.

4. Section 1.6 of the regulations is amended by the deletion of the word “he” and the substitution of the words “the Director”.

5. Section 11.3 of the regulations is amended by the deletion of the words “the “Threshold Limit Values” or “TLVs” as prescribed by the American Conference of Governmental Industrial Hygienists in the publication Threshold Limit Values and Biological Exposure Indices for 1985-86 (with annual update)” and the substitution of the words “the threshold limit values specified by the American Conference of Governmental Industrial Hygienists (ACGIH) in the 2019 edition of the publication “Threshold Limit Values and Biological Exposure Indices”, as amended from time to time”.

6. Section 14.4 of the regulations is amended by the deletion of the words “in C.S.A. Standard” and the substitution of the words “in CSA Standard”.

7. Subsection 45.18(1) of the regulations is revoked and the following substituted:

45.18 (1) The employer shall ensure that the selection, use and care of respirators meet the applicable standards and specifications set out and referred to in the CSA Standard Z94.4-18, “Selection, Use, and Care of Respirators”. Selection, use, care
of respirators

8. Part 49 of the regulations is revoked and the following substituted:

PART 49 - ASBESTOS

49.1 (1) In this Part,

Definitions

(a) “asbestos” means any of the following asbestiform silicates:

asbestos

- (i) actinolite,
- (ii) anthophyllite,
- (iii) chrysotile,
- (iv) crocidolite,
- (v) amosite, or

- (vi) tremolite;
- (b) “asbestos-containing material” means asbestos-containing material
 (i) material, other than vermiculite insulation, that contains 1 per cent or more asbestos by dry weight, and
 (ii) vermiculite insulation;
- (c) “asbestos contractor” means the holder of a valid asbestos contractor’s certificate; asbestos contractor
- (d) “asbestos contractor’s certificate” means a valid asbestos contractor’s certificate granted or deemed to have been granted under section 49.9; asbestos contractor’s certificate
- (e) “asbestos warning sign” means a sign posted at the boundaries of an asbestos work area that states asbestos warning sign
 (i) that an asbestos hazard is present,
 (ii) that a cancer and lung disease hazard is present,
 (iii) that the enclosure is restricted to authorized personnel only, and
 (iv) that respiratory protection and protective clothing must be worn in the enclosure;
- (f) “asbestos work” means the handling of asbestos or asbestos-containing material, and includes asbestos work
 (i) the removal of asbestos or asbestos-containing material,
 (ii) the encapsulation or repair of asbestos or asbestos-containing material, or
 (iii) the enclosure of asbestos or asbestos-containing material for the purpose of creating a physical barrier to potential fibre release;
- (g) “asbestos work area” means the area in which asbestos work is being prepared for or carried on by an asbestos contractor and the contractor’s workers, and includes any enclosure established by the asbestos contractor or the workers; asbestos work area
- (h) “exposure to asbestos” means the exposure of a worker to airborne respirable asbestos fibres originating from asbestos or asbestos-containing material; exposure to asbestos
- (i) “friable asbestos-containing material” means asbestos-containing material that when dry can be crumbled, pulverized or powdered by hand pressure and includes asbestos-containing material that is in a crumbled, pulverized or powdered state; friable asbestos-containing material
- (j) “HEPA filter” means a high efficiency particulate aerosol filter that has an efficiency of at least 99.97% in containing an aerosol of 0.3 of a micrometre in diameter; HEPA filter
- (k) “Threshold Limit Values” means the threshold limit values for asbestos exposure specified by the ACGIH in its publication “Threshold Limit Values and Biological Exposure Indices” adopted under subsection 49.3(3). Threshold Limit Values
- (2) In this Part, “Type I Removal Operations” means removal operations that present a minimal risk of releasing asbestos fibres into the air, such as the removal of asbestos-containing material that is non-friable, work that can be done without damaging the asbestos-containing material, including the use of non-powered handheld tools as long as water is used to control fibre release, and Type I Removal Operations
 (a) removal of asbestos-containing material ceiling tiles where the total area to be disturbed is less than 1 square meter without damage;
 (b) removal of non-friable asbestos-containing material without damage;
 (c) removal of vinyl asbestos floor tile, asbestos cement products, and millboard where water is used to control fibre release; and
 (d) removal of less than one square meter of drywall where joint-filling compounds with asbestos-containing material were used.
- (3) In this Part, “Type II Removal Operations” means removal operations that present a medium risk of asbestos exposure to workers, such as the removal or minor disturbance of friable asbestos-containing material with a surface area of less than 0.09 of a square meter or 1 square foot during the repair, alteration, maintenance or demolition of all or part of a building, or any Type II Removal Operations

machinery or equipment, or where the minor removal or disturbance exceeds the scope of a Type I Removal, including

- (a) using a mechanical or electrically powered tool, fitted with a HEPA filter dust collector, to cut, shape or grind non-friable manufactured products containing asbestos;
- (b) removing all or part of a false ceiling to gain access to a work area where friable asbestos-containing material is, or is likely to be, lying on the surface of the false ceiling;
- (c) removing, encapsulating, enclosing or disturbing a surface area of less than 0.09 of a square meter or 1 square foot of friable asbestos-containing material during the repair, alteration, maintenance, demolition or dismantling of a building, structure, machine, tool or equipment, or parts of any of them;
- (d) performing glove bag operations;
- (e) dry removal of non-friable asbestos-containing material where the material may be cut, broken, or otherwise damaged during removal; and
- (f) removing a surface area of up to 9.3 square meters or 100 square feet of contiguous ceiling tile containing asbestos or sheet vinyl flooring having an asbestos backing.

(4) In this Part, “Type III Removal Operations” means removal operations during the repair, alteration, maintenance or demolition of all or part of any building, machinery or equipment that present the highest risk of asbestos exposure to workers, including

Type III Removal
Operations

- (a) spraying of an encapsulant over friable asbestos using a low-pressure sprayer;
- (b) using a power tool not having a dust collection device equipped with a HEPA filter to cut, grind or abrade asbestos-containing material;
- (c) any indoor operation involving the removal or stripping of friable asbestos-containing material; and
- (d) repairing, altering or demolishing a boiler, furnace or similar device or any part of it that is made in part of asbestos-containing material.

APPLICATION

49.2 This Part applies to every workplace where asbestos is present.

Application

PROHIBITIONS

49.3 (1) No person shall, in a workplace,

Asbestos in
workplace

- (a) use; or
- (b) apply or install, or cause to be applied or installed, any asbestos-containing material.

(2) No person shall remediate, disturb or actively work with asbestos-containing material without the use of an appropriate type of containment to reduce contamination in the atmosphere to or below the threshold limit values.

Effective
containment
required

(3) The 2019 edition of the “Threshold Limit Values and Biological Exposure Indices” published by the ACGIH, as amended from time to time, is adopted and in force with respect to the threshold limit values for exposure to asbestos.

Adoption of
standard

ASBESTOS IN THE WORKPLACE

49.4 (1) An employer or owner of a workplace shall ensure that a competent person

Sampling of
asbestos-containing
material

- (a) collects representative samples of any materials in the workplace that the employer or the competent person suspects contain asbestos; and
- (b) determines whether each of the samples is asbestos-containing material.

(2) When collecting samples of materials in accordance with clause (1)(a), the competent person shall

Protective measures

- (a) wear a negative pressure half face piece respirator;

- (b) take all reasonable measures to ensure asbestos fibres are not released during the sampling collection process; and
- (c) ensure all bulk samples are submitted to an accredited lab for analysis in accordance with industry standards acceptable to the Director.

(3) If an employer or a competent person suspects that a material contains asbestos, the material shall be treated as asbestos-containing material unless the competent person determines that it is not asbestos-containing material.

Treatment of material

INVENTORY

49.5 (1) An employer or owner of a workplace shall

- (a) ensure that a competent person prepares an inventory of asbestos-containing material in the workplace;
- (b) ensure that the inventory is updated each time asbestos-containing material is repaired or removed from the workplace;
- (c) keep the inventory at the workplace; and
- (d) at least annually, ensure that the condition of all asbestos-containing material in the workplace is inspected by a competent person.

Inventory

(2) The inventory prepared under subsection (1) shall

- (a) identify the location of the asbestos-containing material in the workplace;
- (b) specify the location of any asbestos-containing material that may release asbestos fibres into the atmosphere due to damage or poor repair;
- (c) include the date the inventory was prepared and the subsequent dates of review as required in clause (1)(d);
- (d) include the name of the competent person completing the inventory; and
- (e) provide a general description of the asbestos-containing material, including the type of asbestos and the percentage of the sample that is comprised of asbestos.

Contents of inventory

MANAGEMENT PLAN

49.6 An employer or owner of a workplace shall ensure that an asbestos management plan is

- (a) developed to
 - (i) prevent asbestos-containing material identified in the inventory under section 49.5 from becoming airborne in the workplace, and
 - (ii) protect the health and safety of workers if asbestos-containing material becomes airborne in the workplace;
- (b) implemented and communicated to the workers so as to ensure that they are made aware of the asbestos management plan and of its contents; and
- (c) reviewed at least annually, or more frequently if required by a change in work conditions, and in consultation with the joint health and safety committee, if any, or health and safety representative, if any.

Management plan

EXPOSURE TO ASBESTOS

49.7 (1) Where it is necessary for the protection of workers, an employer or owner of a workplace shall monitor the concentration of airborne asbestos in the workplace and shall monitor the exposure of workers to asbestos by a recognized method approved by the Director.

Monitoring exposure levels

(2) An employer or owner of a workplace shall

- (a) establish and maintain records of the monitoring of the workplace and of the exposure of workers to asbestos-containing material; and
- (b) ensure the records are kept for a period of not less than 40 years.

Records

(3) The employer or owner of a workplace shall provide copies of the records required to be established and kept under subsection (2) to the employer's workers and to their safety committee or safety representative as soon as practicable.

Access

(4) An employer or owner of a workplace shall ensure that

Training

- (a) any worker who handles, disturbs or removes asbestos-containing material in the course of the worker's work activities has successfully completed an asbestos abatement course that includes a review of the provisions of these regulations that apply to asbestos-containing material and that is acceptable to the Director; and
- (b) any worker who transports or handles sealed containers of asbestos-containing material for disposal has successfully completed an asbestos awareness course acceptable to the Director.

EXPOSURE LIMITS

49.8 (1) An employer, owner and contractor shall take all necessary measures and implement all necessary procedures, by means of engineering controls, work practices and hygiene practices and facilities required by this Part, to ensure that the exposure of a worker to asbestos-containing material in a workplace is reduced to the lowest practical level and, in any case, does not exceed the threshold limit values. Exposure limits

(2) The analysis of asbestos samples shall be performed by a laboratory that is accredited by the Canadian Association for Laboratory Accreditation (CALA) or the American Industrial Hygiene Association (AIHA) Asbestos Analysts Registry (AAR) in accordance with the National Institute of Occupational Safety and Health (NIOSH) Manual of Analytical Methods. Laboratory accreditation

(3) All air tests conducted to confirm asbestos fibres in ambient air in the workplace shall follow the National Institute of Occupational Safety and Health (NIOSH) test methods. Air test methods

(4) Projects with a Type III Removal Operations enclosure shall be subject to daily air sampling of the ambient air outside the enclosure to determine the exposure of any worker to asbestos. Daily air sampling

(5) For projects conducted as Type II and Type III Removal Operations, following the final clean-up requirements, and prior to the removal of an enclosure, a visual inspection of the work area inside the enclosure shall be carried out by a competent person and confirmed with a final clearance air sample. Final clearance air sample

ASBESTOS CONTRACTOR'S CERTIFICATE

49.9 (1) No person shall undertake asbestos work unless the person is the holder of a valid asbestos contractor's certificate. Asbestos contractor's certificate

(2) A person may apply for an asbestos contractor's certificate by submitting to the Director an application in the form required by the Director containing the information and other requirements specified in subsection (3). Contractor's certificate application

(3) An applicant for an asbestos contractor's certificate shall provide for the purposes of the application referred to in subsection (2) Requirements

(a) a copy of the applicant's current asbestos work procedure manual that

- (i) is to be used in the asbestos work the applicant proposes to carry out under the authority of the certificate,
- (ii) includes a copy of the applicant's Respiratory Protection Program, as required by the CSA Standard Z94.4-18, "Selection, Use, and Care of Respirators", and
- (iii) is satisfactory to the Director;

(b) proof satisfactory to the Director that any workers the applicant intends to engage to carry out the asbestos work have successfully completed a course in asbestos abatement acceptable to the Director;

(c) confirmation that the applicant has or has access to the equipment necessary to perform the asbestos work in accordance with the contractor's procedure manual referred to in clause (a) and this Part;

(d) proof satisfactory to the Director that the applicant has at least one competent person to supervise the asbestos work to be undertaken by the applicant;

(e) confirmation that the applicant has implemented a worker medical surveillance program that meets the requirements set out in section 49.25; and

- (f) confirmation that the applicant has established and will maintain the records required by section 49.26.
- (4) The Director may grant an asbestos contractor's certificate to an applicant where the Director is satisfied that
- (a) the applicant has submitted an application in accordance with subsection (2); and
 - (b) the applicant has met the requirements of subsection (3).
- (5) A certificate issued under subsection (4) shall be subject to any terms and conditions in respect of the type of asbestos work that may be undertaken by the certificate holder that the Director considers appropriate.
- (6) Subject to subsections (7) and (8), a certificate expires on the earlier of
- (a) five years from the date of issue; or
 - (b) the sale of the business for which it was issued.
- (7) A certificate in respect of which no notification has been provided under section 49.10 for a period of three years expires at the end of the three-year period.
- (8) A certificate that was issued under this Part as it read immediately prior to the coming into force of this subsection and that was valid and in force on the coming into force of this subsection is deemed to be a certificate under this section according to its terms for a period of two years.
- (9) No person shall transfer a certificate to any other person or business.

COMMENCING WORK

- 49.10** (1) Before commencing any asbestos work, an asbestos contractor shall provide written notification respecting the asbestos work to the Director, in the form required by the Director and containing the information specified in subsection (2).
- (2) The written notification referred to in subsection (1) shall be provided to the Director at least three business days prior to the planned asbestos work, shall be signed by the asbestos contractor or a competent person who is authorized to represent the asbestos contractor, and shall include
- (a) a description of the asbestos work to be performed that shows that it is adequately covered by specific procedures in the asbestos work procedure manual submitted under clause 49.9(3)(a) or, if the manual does not contain the necessary procedures, the new procedures developed by the asbestos contractor to accommodate the particular needs of the asbestos work;
 - (b) the names of the workers who will perform the asbestos work and confirmation that those workers have successfully completed a course in asbestos abatement acceptable to the Director;
 - (c) confirmation of the name of the competent person who will be supervising the asbestos work and proof satisfactory to the Director that the person is competent to supervise the asbestos work;
 - (d) confirmation that the workers named in clause (b) have participated in a medical surveillance program acceptable to the Director.
- (3) On receipt of the notification required under subsection (1), an officer shall review the notification and may, if satisfied with the information provided, issue a permit to the asbestos contractor to undertake the asbestos work.
- (4) The asbestos contractor shall carry out the asbestos work in accordance with the information provided in the notification.
- 49.11** (1) The Director may suspend or cancel an asbestos contractor's certificate for any contravention by the asbestos contractor or by the workers of the asbestos contractor of any provision of the Act, these regulations or any other regulations made under the Act.

(2) A suspension under this section may be for a specified period of time and subject to any conditions that the Director considers appropriate.

Terms of suspension

(3) Where an asbestos contractor's certificate is suspended or cancelled by the Director under subsection (1), any approval for asbestos work that has not been commenced, or that has been commenced but not completed, is also cancelled.

Cancellation of approval

49.12 (1) Prior to the submission of the written notification and commencement of any asbestos work, the asbestos contractor shall ascertain the type and content of asbestos or asbestos-containing material present in the asbestos work area by

Product analysis

(a) referring to the inventory described in the asbestos management plan prepared according to section 49.6; or

(b) by having a competent person obtain a sample or samples to submit to an accredited laboratory for the determination of its asbestos type and content, if any.

(2) Where an asbestos contractor is required to obtain a sample under subsection (1) for the determination of its asbestos content, the asbestos contractor shall take all reasonable measures to ensure respirable asbestos fibres are not released during the sampling process.

Sampling procedure

PROTECTIVE CLOTHING

49.13 (1) Where a worker's personal clothing may become contaminated with asbestos-containing material, the asbestos contractor shall provide and pay for appropriate protective clothing that meets the requirements of this section.

Protective clothing

(2) The asbestos contractor shall ensure that all workers within an asbestos work area

Requirements

(a) wear protective clothing referred to in subsection (1) that

(i) is made of material resistant to penetration by asbestos fibres, and

(ii) covers the head and fits snugly at the neck, wrists, ankles and elsewhere as necessary to protect against the risk of exposure to asbestos fibres; and

(b) use footwear that is impermeable to asbestos fibres.

(3) A worker who is engaged in asbestos work for which the worker is provided with protective clothing in accordance with this section shall not wear or remove the protective clothing from inside to outside of the asbestos work area.

Prohibition

RESPIRATORS

49.14 (1) An asbestos contractor shall provide, and ensure that workers use, within an asbestos work area, respirators which are appropriate for the level of risk of the anticipated exposure to asbestos fibres.

Respiratory protection

(2) An asbestos contractor shall ensure that the respirators provided to workers are selected, used, cleaned, stored, maintained, inspected and tested in accordance with the relevant provisions of CSA Standard Z94.4-18, "Selection, Use, and Care of Respirators".

Respirator standard

ASBESTOS WORK AREA

49.15 (1) An asbestos contractor shall, prior to the commencement of asbestos work, ensure that

Asbestos work area, boundaries

(a) the boundaries of the asbestos work area are identified and marked by barricades, fences or similar means;

(b) asbestos warning signs are posted at the boundaries of the asbestos work area which meet the requirements of clause 49.1(1)(e);

(c) the permit issued under subsection 49.10(3) is posted;

(d) the immediate work area is cleared of objects, materials and equipment other than those required to do the work; and

(e) the windows, doorways and all other openings are adequately secured to prevent the release of asbestos fibres into other work areas.

(2) No person shall eat, drink or smoke in an asbestos work area.

Prohibition

ENCAPSULATION

49.16 (1) Subject to subsection (3), no person shall apply a liquid sealant to encapsulate friable asbestos-containing material in a workplace if, in the opinion of an officer,

Sealants

- (a) the friable asbestos-containing material has visibly deteriorated; or
- (b) the friable asbestos-containing material's strength and its adhesion to its underlying materials and surfaces are insufficient to support both the weight of the asbestos-containing material and the sealant.

(2) An asbestos contractor may use an encapsulant to prevent the release of asbestos-containing material into the ambient air of the workplace where

Use of encapsulant

- (a) the use of encapsulation as a means of dealing with asbestos-containing material is not prohibited pursuant to subsection (1); and
- (b) in the opinion of an officer, the persons who ordinarily occupy the workplace can do so safely if the asbestos-containing material that is allowed to remain in place is encapsulated.

(3) Where, in the opinion of an officer, there is a potential risk that asbestos fibres may be released into the ambient air due to the condition or friable nature of the asbestos-containing material, the officer may order the employer

Orders

- (a) to seal the asbestos-containing material with an encapsulant, either penetrating or bridging; or
- (b) to remove the asbestos-containing material.

ENCLOSURES

49.17 (1) An asbestos contractor shall take every reasonable precaution to prevent the release of asbestos fibres into the ambient air of the workplace, and for that purpose may use an enclosure constructed in accordance with the approved asbestos work procedure manual submitted to the Director under clause 49.9(3)(a).

General

(2) An enclosure purposely built for asbestos work shall effectively contain the asbestos fibres that may be released during a Type I, Type II, or Type III Removal Operations.

Enclosure

(3) An asbestos contractor may apply to the Director not less than five days prior to the commencement of work for approval of a variance from the enclosure requirements specified in the approved asbestos work procedure manual referred to in subsection (1) by submitting a proposal that

Variance

- (a) specifies the changes in procedures, equipment or materials to be used during the asbestos work; and
- (b) demonstrates to the satisfaction of the Director that the variance will result in an enclosure that meets the requirements of subsection (2).

(4) An asbestos contractor shall ensure asbestos work is conducted in a manner that does not create a risk to the health or safety of any person.

Responsibility

(5) An asbestos contractor shall not dismantle the enclosure of an asbestos work area unless the final clearance air sample required under subsection 49.8(5) is within the threshold limit values.

Prohibition

49.18 (1) Where asbestos work is in progress, an employer shall ensure that only workers who have successfully completed the training courses referred to in subsection 49.7(4) are permitted to enter the enclosure.

Enclosure entry

(2) Prior to entering a full enclosure where asbestos work is taking place, a worker shall

Prior to entry

- (a) remove all street clothing and leave the clothing in the clean area of the asbestos work area;
- (b) put on clean disposable protective clothing; and
- (c) wear a respirator as required in subsection 49.14(1).

49.19 After a worker completes asbestos work in a contaminated work area, or when the worker leaves the contaminated work area for any reason, the worker shall

Worker exit
decontamination
procedure

- (a) remove all loose asbestos fibres from protective clothing with the vacuum system while still in the contaminated work area room of the full enclosure;
- (b) enter the worker transfer room of the full enclosure and remove all protective clothing except the respirator, and place the clothing in the waste container provided for that purpose;
- (c) enter the shower room of the enclosure and thoroughly shower before removing the respirator;
- (d) adequately clean the respirator while in the shower; and
- (e) enter the worker change room to dry and dress in street clothing.

VENTILATION

49.20 (1) An asbestos contractor shall ensure that each enclosure is equipped with a ventilation system for the purpose of asbestos work that is sufficient to ensure that the enclosure is under adequate negative pressure to prevent the release of respirable asbestos fibres into the air outside the enclosure.

General

(2) If exhaust ventilation equipment is used to contain asbestos fibres, an asbestos contractor shall ensure that the equipment is

Equipment

- (a) of a type designed and solely used for asbestos abatement procedures;
- (b) equipped with a HEPA filter;
- (c) maintained in good working condition and inspected regularly in accordance with the manufacturer's specifications; and
- (d) certified by a competent person not less than once a year as being able to function safely and effectively.

(3) An asbestos contractor shall ensure that the capacity of the ventilation system used in an enclosure is such that the air exchange rate is a minimum of 4 air changes per hour, and the differential pressure is at least 5 Pascals (-0.02 inches) of water.

Air exchange

VACUUM CLEANER REQUIREMENTS

49.21 An asbestos contractor shall provide a vacuum system with HEPA filtration within the unit and HEPA filtration fitted to the exhaust of the unit for use when performing all types of asbestos removal where an enclosure is present.

Vacuum cleaner

ASBESTOS WASTE HANDLING

49.22 (1) An asbestos contractor shall ensure that water-saturated asbestos-containing material is removed in small sections and immediately placed in waste containers that are labelled as containing asbestos and that each waste container is sealed when filled.

Mode of removal

(2) An asbestos contractor shall ensure that drop sheets are wetted and placed in the sealed containers as part of the asbestos waste handling method specified in subsection (1).

Drop sheets

(3) Drop sheets referred to in subsection (2) shall not be reused.

Prohibition

(4) An asbestos contractor shall ensure that the exterior surfaces of waste containers are adequately cleaned in the asbestos waste transfer room of the enclosure.

Cleaning containers

(5) An asbestos contractor shall ensure that waste containers are placed in uncontaminated containers in an area outside the asbestos waste transfer room of the enclosure.

Waste handling

(6) An asbestos contractor shall ensure that asbestos waste is transported as soon as practicable to a waste disposal facility that meets the requirements of the Waste Resource Management Regulations under the *Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9*.

Waste transport

(7) An asbestos contractor shall ensure that a worker who transports asbestos waste has successfully completed an asbestos awareness course referred to in clause 49.7(4)(b).

Asbestos awareness
course

(8) The worker referred to in subsection (7) shall ensure that the asbestos waste is handled in a manner that will not create a hazard to the health or safety of workers or other individuals at the waste disposal facility site.

Handling of
disposal site

49.23 An employer shall ensure that materials with the potential of releasing asbestos fibres into the atmosphere are removed before proceeding with

Demolition

- (a) the demolition of a building or structure; and
- (b) the demolition of all or part of any machinery, equipment, aircraft, vehicle or vessel.

49.24 An asbestos contractor shall develop emergency response procedures to be used in the event of serious injury and other emergencies in an asbestos work area.

Emergency
response

MEDICAL SURVEILLANCE PROGRAM

49.25 (1) An asbestos contractor shall implement a medical surveillance program for all workers who are or will be exposed to airborne fibres of asbestos at or above the threshold limit values.

Program

(2) The asbestos contractor shall ensure that all medical examinations and procedures are performed by or under the supervision of a health care provider, and shall be provided without cost to the worker.

Employer
responsibilities

(3) Before an asbestos abatement worker commences work, the worker shall undergo the following components of a pre-placement examination:

Pre-placement
medical exam

- (a) a physical examination, with emphasis on the respiratory system;
- (b) a screening chest radiograph;
- (c) a lung function test, including
 - (i) Forced Expiratory Volume (FEV₁),
 - (ii) Forced Vital Capacity (FVC);
- (d) an occupational exposure history.

(4) A periodic medical examination shall include

- (a) an annual lung function test that meets the requirements of clause (3)(c);
- (b) an annual occupational exposure history; and
- (c) a screening chest radiograph every five years or every two years if the worker had exposure to airborne fibres of asbestos for more than 20 years.

Periodic follow-up
examinations

RECORDS

49.26 (1) An asbestos contractor shall establish and maintain an accurate and complete record for each worker, containing

Worker record

- (a) the reports from examinations performed which assess the worker's potential exposures, ability to use a respirator, and any specified limitations of use;
- (b) a detailed work history containing dates and length of jobs performed including types of job and material handled; and
- (c) the worker's training records.

(2) An asbestos contractor shall ensure that all worker records required under subsection (1) shall be maintained for a period of not less than 40 years.

Retention of records

9. These regulations come into force on March 14, 2020.

EXPLANATORY NOTES

SECTION 1 revokes the enacting clause of the *Occupational Health and Safety Act* General Regulations and substitutes a new enacting clause to properly reference the citation to the Act and regulation-making provision in the Act.

SECTIONS 2 and 3 amend sections 1.3 and 1.4 of the regulations to remove unnecessary punctuation marks in the noted acronyms.

SECTION 4 amends section 1.6 of the regulations to provide gender neutral language.

SECTION 5 amends section 11.3 of the regulations to update the reference to the publication that prescribes the suitable means of ventilation that is to be provided by an employer to reduce contamination in the air of working areas.

SECTION 6 amends section 14.4 of the regulations to remove unnecessary punctuation marks in the noted acronym.

SECTION 7 revokes subsection 45.18(1) of the regulations and substitutes a new subsection 45.18(1) to update the CSA Standard required to be used by an employer to ensure that the selection, use and care of respirators meet applicable standards and specifications.

SECTION 8 revokes Part 49 of the regulations and substitutes a new Part 49 pertaining to asbestos. The following provisions are added to the regulations:

- Section 49.1 establishes definitions to be used in Part 49 of the regulations.
- Section 49.2 specifies that Part 49 of the regulations applies to every workplace where asbestos is present.
- Section 49.3 establishes prohibitions in respect of asbestos-containing material in a workplace. The section clarifies that the relevant standard in respect of the threshold limit values for exposure to asbestos in a workplace is adopted and in force.
- Section 49.4 requires an employer or owner of a workplace to ensure a competent person collects representative samples of any materials suspected to contain asbestos and determine whether asbestos is contained in the materials. The section requires the competent person to take protective measures when collecting samples and specifies suspected materials are to be treated as asbestos-containing material unless the competent person determines otherwise.
- Section 49.5 requires an employer or owner of a workplace to ensure a competent person prepares and keeps current an inventory of asbestos-containing material in the workplace. The section establishes what the inventory is to contain and specifies that the inventory be reviewed on at least an annual basis.
- Section 49.6 requires an employer or owner of a workplace to ensure an asbestos management plan is developed, implemented, and communicated to workers to ensure workers are aware of the management plan and its contents, and that the management plan be reviewed on at least an annual basis.
- Section 49.7 establishes the duty of an employer or owner of a workplace, where necessary for the protection of workers, to monitor the concentration of airborne asbestos and exposure of workers to asbestos by a recognized method approved by the Director. Monitoring records are to be established, maintained and kept for a period of at least 40 years. The section establishes an additional duty of an employer or owner of a workplace to ensure that every worker who handles, disturbs or removes asbestos-containing material successfully complete an asbestos abatement course acceptable to the Director and every worker who transports or handles sealed containers of asbestos-containing material must successfully complete an asbestos awareness course acceptable to the Director.
- Section 49.8 establishes an obligation on an employer, owner and contractor to take all necessary measures and implement procedures to ensure that the exposure of a worker to asbestos-containing material is reduced to the lowest practical level and at the very least does not exceed the threshold limit values. The section specifies that analysis of asbestos samples be performed by an accredited laboratory and that all air tests conducted to confirm asbestos fibres in ambient air follow the National Institute of Occupational Safety and Health (NIOSH) test methods. The section specifies that projects with a Type III Removal Operations enclosure are subject to daily air sampling. Projects conducted as Type II and Type III Removal Operations require a final clearance air sample.

- Section 49.9 establishes that any person who undertakes asbestos work must hold a valid asbestos contractor's certificate. The section outlines the Director's requirements for an application and the information to be included in the application. The section authorizes the Director to grant an asbestos contractor's certificate and authorizes the Director to impose any terms and conditions the Director considers appropriate in respect of the type of asbestos work that may be undertaken by a certificate holder. The section outlines the effective dates and expiry dates in respect of a certificate, provides a transitional provision in respect of a certificate that was issued immediately prior to the coming into force of the section and clarifies a certificate is not transferable.
- Section 49.10 outlines the requirements to be performed by an asbestos contractor prior to commencing any asbestos work. Written notification respecting the asbestos work is to be provided to the Director in the required form and include a description of the work to be performed, the names of the workers who will perform the work with confirmation the workers successfully completed a course in asbestos abatement, the name of the competent person who will be supervising the work, as well as confirmation that the workers have participated in a medical surveillance program. On receipt of the notification, an officer may issue a permit to the asbestos contractor that authorizes the contractor to undertake the asbestos work.
- Section 49.11 authorizes the Director to suspend or cancel an asbestos contractor's certificate for any contravention by the contractor or workers of the contractor of any provision of the Act or any regulations made under the Act. A suspension may be for a specified period of time and be subject to conditions. The section specifies that any approval for asbestos work that has not commenced or that has commenced but has not been completed, is cancelled.
- Section 49.12 requires an asbestos contractor to ascertain the type and content of asbestos or asbestos-containing material present in a work area prior to the submission of the written notification to the Director and prior to the commencement of any asbestos work.
- Section 49.13 requires an asbestos contractor to provide protective clothing and footwear for all workers within an asbestos work area. The section prohibits workers from wearing or removing the protective clothing from inside to outside the asbestos work area.
- Section 49.14 requires an asbestos contractor to supply respirators for workers in an asbestos work area that are selected, used, maintained and tested in accordance with the relevant CSA Standard and to ensure that workers use the respirators that are appropriate for the level of risk of the anticipated exposure to asbestos fibres.
- Section 49.15 requires an asbestos contractor, prior to the commencement of asbestos work, to ensure that:
 - ◆ the boundaries of the work area are identified and marked,
 - ◆ asbestos warning signs and the contractor's permit are posted at the boundaries of the work area,
 - ◆ the immediate work area is cleared of objects, materials and equipment not required for the work and
 - ◆ windows, doorways and all openings are adequately secured to prevent the release of asbestos fibres into other work areas.
 The section also prohibits a person from eating, drinking or smoking in an asbestos work area.
- Section 49.16 establishes a prohibition against applying a liquid sealant to encapsulate friable asbestos-containing material in circumstances where the material has visibly deteriorated or the material's strength and adhesion to underlying materials and surfaces are insufficient to support both the weight of the material and the sealant. The section authorizes a contractor to use an encapsulant to prevent the release of asbestos-containing material into the ambient air of a workplace where the use of

encapsulation is not otherwise prohibited and persons who occupy the workplace can do so safely if the asbestos-containing material that is allowed to remain in place is encapsulated. The section authorizes an officer to order an employer to either encapsulate or remove asbestos-containing material if the officer believes there is a risk the asbestos fibres may be released into the ambient air due to the material's condition or friable nature.

- Section 49.17 authorizes a contractor to use an enclosure to prevent the release of asbestos fibres into the ambient air of a workplace. The enclosure must be constructed in accordance with an approved asbestos work procedure manual. A contractor may apply to the Director for a variance from the enclosure requirements specified in the work procedure manual by submitting a proposal specifying the changes to be made and demonstrating that the variance will result in an enclosure that contains asbestos fibres that are permitted to be released during a Type I, Type II or Type III Removal Operations. The section requires a contractor to ensure the asbestos work does not create a risk to the health or safety of any person and requires a final clearance air sample to be within the threshold limit values before dismantling the enclosure of the work area.
- Section 49.18 requires an employer to ensure that only workers who successfully completed an asbestos abatement course or an asbestos awareness course are permitted to enter an enclosure when asbestos work is in progress. The section specifies that prior to entering a full enclosure where asbestos work is taking place, a worker shall remove all clothing and leave the clothing in the clean area of the asbestos work area, put on clean disposable protective clothing and wear a respirator.
- Section 49.19 outlines the procedure for decontamination required of a worker who leaves a contaminated work area for any reason or who completes work in a contaminated work area.
- Section 49.20 requires an asbestos contractor to ensure that each enclosure is equipped with a ventilation system sufficient to verify that the enclosure is under adequate negative pressure to prevent the release of respirable asbestos fibres into the air. A contractor is also required to ensure that if exhaust ventilation equipment is used to contain asbestos fibres that the equipment meets specified requirements and is certified on an annual basis.
- Section 49.21 requires a contractor to provide a vacuum system with HEPA filtration for use when performing all types of asbestos removal where an enclosure is present.
- Section 49.22 outlines the requirements for the handling and transporting of asbestos waste from within the waste transfer room of an enclosure to a waste disposal facility site.
- Section 49.23 requires an employer to ensure that materials with the potential of releasing asbestos fibres into the atmosphere are removed prior to the demolition of any building or structure and prior to the demolition of all or part of any machinery, equipment, aircraft, vehicle or vessel.
- Section 49.24 requires a contractor to develop emergency response procedures to be used in the event of serious injury and other emergencies in an asbestos work area.
- Section 49.25 requires a contractor to implement a medical surveillance program for all workers who are or will be exposed to airborne fibres of asbestos at or above the threshold limit values. The section specifies the requirements of all medical examinations and procedures.
- Section 49.26 requires a contractor to establish and maintain accurate and complete records for each worker for a period of not less than 40 years.

SECTION 9 provides for the commencement of the regulations.

EC2020-148**POST-SECONDARY INSTITUTIONS SEXUAL VIOLENCE POLICIES ACT
DECLARATION RE**

Under authority of section 9(1) of the *Post-secondary Institutions Sexual Violence Policies Act* Stats. P.E.I. 2018, c. 56 Council ordered that a Proclamation do issue proclaiming the said "Post-secondary Institutions Sexual Violence Policies Act" to come into force effective September 1, 2020.

EC2020-149**POST-SECONDARY INSTITUTIONS SEXUAL VIOLENCE
POLICIES ACT
GENERAL REGULATIONS**

Pursuant to section 7 of the *Post-secondary Institutions Sexual Violence Policies Act* R.S.P.E.I. 1988, Cap. P-11.2, Council made the following regulations:

1. In these regulations, "Act" means the *Post-secondary Institutions Sexual Violence Policies Act* R.S.P.E.I. 1988, Cap. P-11.2. Act defined
2. (1) A post-secondary institution shall ensure that its sexual violence policy lists available academic and non-academic accommodations for a student affected by sexual violence. Provision of accommodations
 - (2) A post-secondary institution shall work with each student affected by sexual violence to determine the appropriate accommodations required based on the student's experiences and expressed needs. Determination of needs
 - (3) A post-secondary institution shall use its best efforts to ensure that the appropriate accommodations determined under subsection (2) are provided to the affected student within a reasonable period of time. Reasonable time period
3. (1) A post-secondary institution shall ensure that its sexual violence policy Content of sexual violence policy
 - (a) provides information about the supports and services available at the post-secondary institution for students who are affected by sexual violence, and identifies the specific official or office at the post-secondary institution that should be contacted to obtain the supports and services;
 - (b) provides information about the supports and services available in the community for students who are affected by sexual violence;
 - (c) informs students that the post-secondary institution will appropriately accommodate the needs of students who are affected by sexual violence, and identifies the specific official or office at the post-secondary institution that should be contacted to obtain the accommodations;
 - (d) informs students that they are not required to report an incident of, or make a complaint about, sexual violence under the process referred to in clause 3(2)(a) in order to obtain the supports and services referred to in clause (a) or the accommodation referred to in clause (c);
 - (e) addresses the issue of consent, including defining the term "consent" for the purposes of the policy and specifying that, at a minimum, consent is required to be active, ongoing, informed and voluntary and may be withdrawn at any time; and
 - (f) includes the information set out in subsection (2) respecting the post-secondary institution's process for responding to and addressing incidents and complaints of sexual violence, as required by the Act.
- (2) For the purposes of clause (1)(e), a sexual violence policy shall include the following information: Information to be included
 - (a) the process to be followed by a student who wishes to report an incident of, or make a complaint about, sexual violence, including

- the specific official or office to whom the incident should be reported or the complaint should be made;
- (b) the process for deciding whether an incident or complaint of sexual violence will be investigated by the post-secondary institution;
- (c) that a student affected by sexual violence may choose not to request an investigation by the post-secondary institution, and that, if the post-secondary institution pursues the complaint, the student has the right to choose whether to participate in any investigation that may occur;
- (d) the investigation and decision-making processes at the post-secondary institution that will take place if an incident or complaint of sexual violence is investigated;
- (e) a description of the elements of procedural fairness, including prompt, fair and impartial investigation and resolution, that will be part of the investigation and decision-making processes;
- (f) a description of the rights that a participant may have to legal or other representation, or to be accompanied by another person, during the investigation and decision-making processes;
- (g) examples of the interim measures that may be implemented while an incident or complaint is being investigated or a decision is being made regarding the incident or complaint;
- (h) examples of the decisions that may be made and measures and sanctions that may be imposed after an incident or complaint is investigated;
- (i) the measures that will be implemented to protect and keep confidential personal information that comes to light in the course of the investigation of the persons involved in the incident or complaint;
- (j) a description of the appeal processes that may be available related to decisions resulting from the investigation process;
- (k) the responsibilities of senior administrators, students, faculty and others in relation to the policy;
- (l) an estimate of the time required for the post-secondary institution to address a report or complaint of sexual violence, from the making of the report or complaint to a resolution.
- 4. (1)** For the purposes of subsection 3(2) of the Act, a post-secondary institution shall
- Development and amendment of sexual violence policy
- (a) establish a process, in consultation with representatives of the post-secondary institution's elected student governing bodies, for the provision and consideration of input from a diverse selection of students, including those most vulnerable, regarding the post-secondary institution's sexual violence policy to ensure its policy is culturally sensitive and reflects the perspectives of those most vulnerable to sexual violence; and
- (b) follow the process in the development of its initial sexual violence policy and every time the sexual violence policy is reviewed or amended.
- (2) The president of a post-secondary institution shall authorize an official of the post-secondary institution to update, as required, the following information in the post-secondary institution's sexual violence policy:
- Updates permitted
- (a) the supports and services that are available at the post-secondary institution or in the community;
- (b) the identity of the officials or offices at the post-secondary institution referred to in clauses 3(1)(a) and (c) and in clause 3(2)(a).
- (3) An update described in subsection (2) does not constitute an amendment to the sexual violence policy for the purposes of subsection (1).
- Update not amendment
- 5.** Every post-secondary institution shall undertake activities to promote awareness of its sexual violence policy, including, but not limited to, the student input process established under clause 4(1)(a) and the institution's process for responding to and addressing incidents and complaints of sexual violence.
- Promotion of awareness of policy

6. (1) Every post-secondary institution shall provide or make available appropriate training on its sexual violence policy to the following persons: Training

- (a) members of the post-secondary institution's governing body, and other senior administrators;
- (b) faculty and staff of the post-secondary institution;
- (c) students enrolled at the post-secondary institution;
- (d) other persons specified in the policy.

(2) The training referred to in subsection (1) shall include training on sexual violence issues and the post-secondary institution's process for responding to and addressing incidents and complaints of sexual violence, including the elements set out in subsection 3(2). Elements of training

7. These regulations come into force on September 1, 2020. Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 states the requirement for a post-secondary institution to provide appropriate accommodations to students affected by sexual violence, and to work with students affected to determine what accommodations are appropriate based on the student's experiences and expressed needs. The section also requires the appropriate accommodations to be provided to an affected student within a reasonable period of time.

SECTION 3 specifies the information that must be included in a post-secondary institution's sexual violence policy.

SECTION 4 requires a post-secondary institution to establish a process, in consultation with representatives of the elected student governing bodies, for the provision and consideration of input from a diverse selection of students, including those most vulnerable, regarding its sexual violence policy to ensure the policy is culturally sensitive and reflects the perspectives of those most vulnerable to sexual violence, and to follow the process in the development of the initial sexual violence policy and every time the policy is reviewed or amended. The president of a post-secondary institution shall authorize an official of the post-secondary institution to make updates as necessary to the supports and services named in the policy and the identity of officials or offices to be contacted, and those updates do not constitute an amendment to the policy.

SECTION 5 requires each post-secondary institution to undertake activities to promote awareness of its sexual violence policy, including, but not limited to, the process for student input and its process for responding to and addressing incidents and complaints of sexual violence.

SECTION 6 requires each post-secondary institution to provide or make available training on its sexual violence policy to the specified persons. The section also specifies that the training must include sexual violence issues and the process for responding to and addressing incidents and complaints of sexual violence, including the elements set out in subsection 3(2).

SECTION 7 provides for the commencement of the regulations.

EC2020-150

PUBLIC DEPARTMENTS ACT
ACTING MINISTER
APPOINTMENT

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

Honourable Matthew MacKay to be Acting Minister of Finance commencing on the 9th day of March 2020, and continuing for the duration of the absence from the Province of Honourable Darlene Compton.

EC2020-151

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY CAPITAL EXPENDITURE
FOR FISCAL YEAR 2019/20)
DEPARTMENT OF HEALTH AND WELLNESS

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

Account Class	Account Name	Amount
	Capital Improvements	
1115-5003	Mental Health Facilities	<u>\$10,244,600</u>
	Total	<u>\$10,244,600</u>