

EC2008-278

EXECUTIVE COUNCIL ACT
 PREMIER
 AND
 MINISTER OF COMMUNITIES, CULTURAL AFFAIRS AND LABOUR
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (CANADA-PRINCE EDWARD ISLAND
 INFRASTRUCTURE FRAMEWORK 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 Premier and the Minister of Communities, Cultural Affairs and Labour to enter into an agreement with the Government of Canada, as represented by the Minister of Transport, Infrastructure and Communities, to establish a framework to coordinate planning and implementation of public infrastructure initiatives in Prince Edward Island under the terms of the Building Canada Plan from the date of signing to March 31, 2015, such as more particularly described in the draft agreement.

EC2008-279

**HIGHWAY TRAFFIC ACT
 COMMERCIAL VEHICLE (CARGO SECUREMENT)
 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(1)(c) of the *Highway Traffic Act Commercial Vehicle (Cargo Securement) Regulations (EC383/05)* is amended by the deletion of the words “in the Schedule” and the substitution of the words “in Schedule I”.

2. The regulations are amended by the addition of the following after section 3:

- 4. (1) In this section,**
- | | |
|---|--------------------|
| | Definitions |
| (a) “commercial vehicle” means | commercial vehicle |
| (i) a farm-plated truck, | |
| (ii) a trailer or semi-trailer, other than a farm-use trailer, that is attached to | |
| (A) a farm-plated truck or a farm tractor, or | |
| (B) a trailer or semi-trailer that is attached to a farm-plated truck or a farm tractor, | |
| (iii) a farm-use trailer that is attached to a three-quarter ton truck, | |
| or | |
| (iv) a farm wagon that is attached to a farm tractor; | |
| (b) “farm truck” means a farm truck as defined in the <i>Highway Traffic Act</i> Farm Truck Registration Regulations EC356/74; | farm truck |
| (c) “farm-plated truck” means a farm truck to which is affixed a valid licence plate issued under section 5 of the Farm Truck Registration Regulations; | farm-plated truck |
| (d) “farm-use trailer” means a goose-neck semi-trailer; | farm-use trailer |
| (e) “farm wagon” means a vehicle with 2 or more axles that is | farm wagon |
| (i) designed to carry farm products and to be drawn by a farm tractor, and | |

- (ii) constructed so that no part of its load weight rests upon the farm tractor;
- (f) “round bales” means round bales of hay, straw or silage; round bales
- (g) “three-quarter ton truck” means a truck that has a gross vehicle weight rating of 3900kg or more. three-quarter ton truck
- (2) This section applies to the transportation of round bales by a commercial vehicle on a highway. Application of section
- (3) Sections 10 and 22 of the Cargo Securement Standard do not apply to the transportation of round bales by a commercial vehicle on a highway. Exemption
- (4) No carrier shall permit a driver to operate a commercial vehicle on a highway for the carrier if the commercial vehicle is transporting round bales that are loaded in a single tier of one or two rows of round bales unless the commercial vehicle is fitted with Carrier, requirements
- (a) a lift on the outer edge of each side of the commercial vehicle that has, at a minimum, a height of at least 3.5 inches and that slants the round bales toward the center of the bed of the commercial vehicle; and
- (b) front and rear structures that have, at a minimum, a height equal to 40% of the height of the round bales, as loaded on the commercial vehicle.
- (5) No driver shall operate a commercial vehicle on a highway if the commercial vehicle is transporting round bales that are loaded in a single tier of one or two rows of round bales unless the commercial vehicle is fitted with Driver's duties
- (a) a lift on the outer edge of each side of the commercial vehicle that has, at a minimum, a height of at least 3.5 inches and that slants the round bales toward the center of the bed of the commercial vehicle; and
- (b) front and rear structures that have, at a minimum, a height equal to 40% of the height of the round bales, as loaded on the commercial vehicle.
- (6) No carrier shall permit a driver to operate a commercial vehicle on a highway for the carrier if the commercial vehicle is transporting round bales that are loaded in two tiers, each consisting of two rows of round bales, unless, Carrier, requirements
- (a) where the commercial vehicle is a commercial vehicle other than a farm wagon that is attached to a farm tractor,
- (i) the commercial vehicle is fitted with
- (A) a lift on the outer edge of each side of the commercial vehicle that has, at a minimum, a height of at least 3.5 inches and that slants the round bales toward the center of the bed of the commercial vehicle,
- (B) front and rear structures that have, at a minimum, a height equal to 40% of the height of the bottom tier of round bales, as loaded on the commercial vehicle, and
- (C) a transverse strapping system, the components of which have the default working load limits required by Part 3 of the Cargo Securement Standard, and
- (ii) the round bales in the upper tier of round bales are secured by fastening the transverse strapping system across the top of each of the round bales in accordance with Figure 1 of Schedule II and in a manner that prevents its movement; and
- (b) where the commercial vehicle is a farm wagon that is attached to a farm tractor,
- (i) the farm wagon is fitted with
- (A) a lift on the outer edge of each side of the farm wagon that has, at a minimum, a height of at least 3.5 inches and that slants the round bales toward the center of the bed of the farm wagon,
- (B) front and rear structures that have, at a minimum, a height equal to 40% of the height of the bottom tier of round bales, as loaded on the farm wagon, and
- (C) a double longitudinal strapping system,
- (I) that extends from the front to the rear of the farm wagon, and

(II) the components of which have the default working load limits required by Part 3 of the Cargo Securement Standard, and

(ii) the round bales in the upper tier of round bales are secured by fastening the double longitudinal strapping system across the top of each of the round bales in accordance with Figure 3 of Schedule II and in a manner that prevents its movement.

(7) No carrier shall permit a driver to operate a commercial vehicle on a highway for the carrier if the commercial vehicle is transporting round bales that are loaded in two tiers, the bottom tier consisting of two rows of round bales and the top tier consisting of one row of round bales, unless,

(a) where the commercial vehicle is a commercial vehicle other than a farm wagon that is attached to a farm tractor,

(i) the commercial vehicle is fitted with

(A) a lift on the outer edge of each side of the commercial vehicle that has, at a minimum, a height of at least 3.5 inches and that slants the round bales toward the center of the bed of the commercial vehicle,

(B) front and rear structures that have, at a minimum, a height equal to 40% of the height of the bottom tier of round bales, as loaded on the commercial vehicle,

(C) a longitudinal strapping system,

(I) that extends from the front to the rear of the commercial vehicle, and

(II) the components of which have the default working load limits required by Part 3 of the Cargo Securement Standard, and

(D) a transverse strapping system, the components of which have the default working load limits required by Part 3 of the Cargo Securement Standard, and

(ii) the round bales in the upper tier of round bales are secured by (A) fastening the longitudinal strapping system across the top of each of the round bales in accordance with Figure 2 of Schedule II and in a manner that prevents its movement, and (B) fastening the transverse strapping system across the top of the rearmost round bale in accordance with Figure 2 of Schedule II and in a manner that prevents its movement; and

(b) where the commercial vehicle is a farm wagon that is attached to a farm tractor,

(i) the farm wagon is fitted with

(A) a lift on the outer edge of each side of the farm wagon that has, at a minimum, a height of at least 3.5 inches and that slants the round bales toward the center of the bed of the farm wagon,

(B) front and rear structures that have, at a minimum, a height equal to 40% of the height of the bottom tier of round bales, as loaded on the farm wagon, and

(C) a longitudinal strapping system,

(I) that extends from the front to the rear of the farm wagon, and

(II) the components of which have the default working load limits required by Part 3 of the Cargo Securement Standard, and

(ii) the round bales in the upper tier of round bales are secured by fastening the longitudinal strapping system across the top of each of the round bales in accordance with Figure 4 of Schedule II and in a manner that prevents its movement.

(8) No driver shall operate a commercial vehicle on a highway if the commercial vehicle is transporting round bales that are loaded in two tiers, each consisting of two rows of round bales, unless,

(a) where the commercial vehicle is a commercial vehicle other than a farm wagon that is attached to a farm tractor,

(i) the commercial vehicle is fitted with

(A) a lift on the outer edge of each side of the commercial vehicle that has, at a minimum, a height of at least 3.5 inches in height and that slants the round bales toward the center of the bed of the commercial vehicle,

Driver,
requirements

- (B) front and rear structures that have, at a minimum, a height equal to 40% of the height of the bottom tier of round bales, as loaded on the commercial vehicle, and
- (C) a transverse strapping system, the components of which have the default working load limits required by Part 3 of the Cargo Securement Standard, and
- (ii) the round bales in the upper tier of round bales are secured by fastening the transverse strapping system across the top of each of the round bales in accordance with Figure 1 of Schedule II and in a manner that prevents its movement; and
- (b) where the commercial vehicle is a farm wagon that is attached to a farm tractor,
 - (i) the farm wagon is fitted with
 - (A) a lift on the outer edge of each side of the farm wagon that has, at a minimum, a height of at least 3.5 inches and that slants the round bales toward the center of the bed of the farm wagon,
 - (B) front and rear structures that have, at a minimum, a height equal to 40% of the height of the bottom tier of round bales, as loaded on the farm wagon, and
 - (C) a double longitudinal strapping system,
 - (I) that extends from the front to the rear of the farm wagon, and
 - (II) the components of which have the default working load limits required by Part 3 of the Cargo Securement Standard, and
 - (ii) the round bales in the upper tier of round bales are secured by fastening the double longitudinal strapping system across the top of each of the round bales in accordance with Figure 3 of Schedule II and in a manner that prevents its movement.

(9) No driver shall operate a commercial vehicle on a highway if the commercial vehicle is transporting round bales that are loaded in two tiers, the bottom tier consisting of two rows of round bales and the top tier consisting of one row of round bales, unless, *Idem*

- (a) where the commercial vehicle is a commercial vehicle other than a farm wagon that is attached to a farm tractor,
 - (i) the commercial vehicle is fitted with
 - (A) a lift on the outer edge of each side of the commercial vehicle that has, at a minimum, a height of at least 3.5 inches and that slants the round bales toward the center of the bed of the commercial vehicle,
 - (B) front and rear structures that have, at a minimum, a height equal to 40% of the height of the bottom tier of round bales, as loaded on the commercial vehicle,
 - (C) a longitudinal strapping system,
 - (I) that extends from the front to the rear of the commercial vehicle, and
 - (II) the components of which have the default working load limits required by Part 3 of the Cargo Securement Standard, and
 - (D) a transverse strapping system, the components of which have the default working load limits required by Part 3 of the Cargo Securement Standard, and
 - (ii) the round bales in the upper tier of round bales are secured by
 - (A) fastening the longitudinal strapping system across the top of each of the round bales in accordance with Figure 2 of Schedule II and in a manner that prevents its movement, and
 - (B) fastening the transverse strapping system across the top of the rearmost round bale in accordance with Figure 2 of Schedule II and in a manner that prevents its movement; and
- (b) where the commercial vehicle is a farm wagon that is attached to a farm tractor,
 - (i) the farm wagon is fitted with
 - (A) a lift on the outer edge of each side of the farm wagon that has, at a minimum, a height of at least 3.5 inches and that slants the round bales toward the center of the bed of the farm wagon,
 - (B) front and rear structures that have, at a minimum, a height equal to 40% of the height of the bottom tier of round bales, as loaded on the farm wagon, and
 - (C) a longitudinal strapping system,

- (I) that extends from the front to the rear of the farm wagon, and
- (II) the components of which have the default working load limits required by Part 3 of the Cargo Securement Standard, and
- (ii) the round bales in the upper tier of round bales are secured by fastening the longitudinal strapping system across the top of each of the round bales in accordance with Figure 4 of Schedule II and in a manner that prevents its movement.

3. The Schedule of the regulations is amended by the deletion of the word “SCHEDULE” and the substitution of the words “SCHEDULE I”.

4. The regulations are amended by the addition of “SCHEDULE II” as set out in the Schedule to these regulations after “SCHEDULE I”.

5. These regulations come into force on May 17, 2008.

SCHEDULE

SCHEDULE II

Securement of Loads of Round Bales

Figure 1 & 2 - Loads on Commercial Vehicles other than Farm Wagons

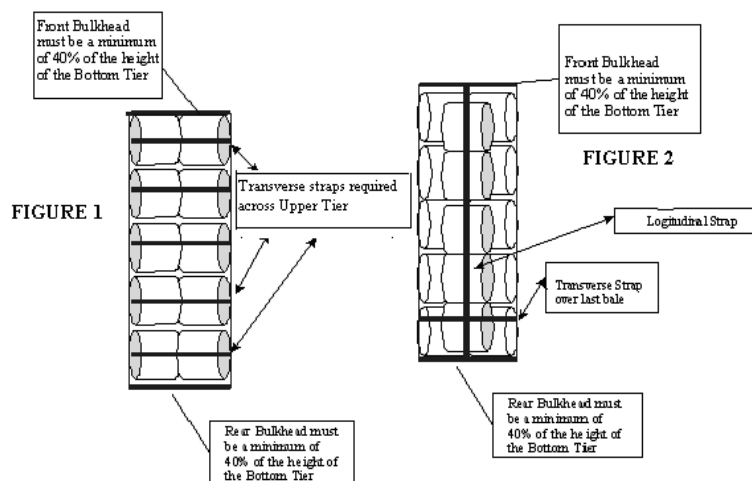
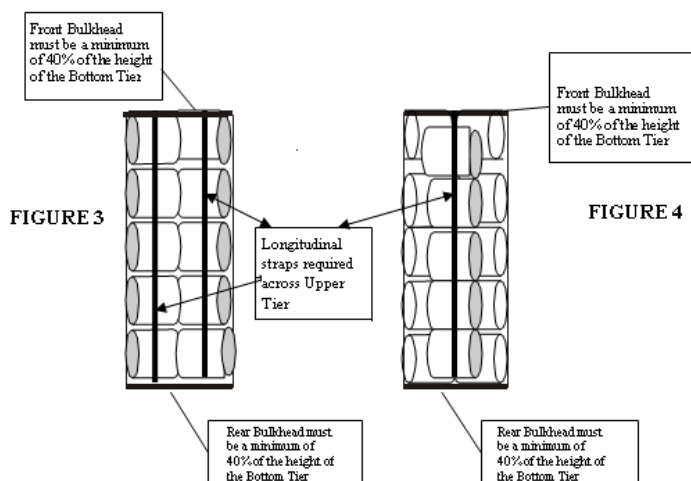


Figure 3 & 4 - Load on Farm Wagons



EXPLANATORY NOTES

SECTION 1 changes a reference to the “Schedule” to refer to “Schedule I”.

SECTION 2 amends the regulations to add a set of provisions respecting the cargo securement requirements that apply to the transportation of round bales by a special class of commercial vehicles that includes farm-plated trucks, farm-use trailers, other types of trailers and semi-trailers that are attached to farm-plated trucks or farm tractors, and farm wagons that are attached to farm tractors.

SECTION 3 renames the Schedule set out in the current regulations as “Schedule I”.

SECTION 4 adds “Schedule II” to the regulations to illustrate cargo securement requirements that apply to the transportation of round bales.

SECTION 5 provides for the commencement of these amendments.

EC2008-280

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
TREVOR TROY CAMPBELL
(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 Trevor Troy Campbell of Dryden, Ontario to acquire a land holding of approximately ninety-seven (97) acres of land in Lot 42, Kings County, Province of Prince Edward Island, being acquired from Patricia Casey of Five Houses, 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.

EC2008-281

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
IAN STEEKSMAN AND JENNIFER STEEKSMAN
(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 Ian Steeksma and Jennifer Steeksma, both of North Vancouver, British Columbia to acquire a land holding of approximately fifty (50) acres of land in Lot 23, Queens County, Province of Prince Edward Island, being acquired from Anne Thompson of Mayfield, 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.

EC2008-282

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
AULDS POINT INVESTMENTS 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 Aulds Point Investments Inc. of York, Prince Edward Island to acquire an interest in a land holding of approximately eighteen decimal eight one (18.81) acres of land in Lot 34, Queens County, Province of Prince Edward Island, being acquired from Charlotte Vriends of York, Prince Edward Island.

EC2008-283

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
AULDS POINT INVESTMENTS 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 Aulds Point Investments Inc. of York, Prince Edward Island to acquire an interest in a land holding of approximately eighteen decimal eight one (18.81) acres of land in Lot 34, Queens County, Province of Prince Edward Island, being acquired from Peter J. Vriends of York, Prince Edward Island.

EC2008-284

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
BURNS POULTRY FARM INC.
(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 Burns Poultry Farm Inc. of Freetown, Prince Edward Island to acquire a land holding of approximately forty-seven (47) acres of land in Lot 25, Prince County, Province of Prince Edward Island, being acquired from Arnold Reeves and Barbara Delaney in Trust, of Summerside, 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.

EC2008-285

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DUNK RIVER FARMS LTD.
(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 Dunk River Farms Ltd. of Summerside, Prince Edward Island to acquire a land holding of approximately one hundred and three (103) acres of land in Lot 26, Prince County, Province of Prince Edward Island, being acquired from Kevin McCardle of Kinkora, 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.

EC2008-286

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ISLAND COASTAL SERVICES 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 Island Coastal Services Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately two decimal six seven (2.67) acres of land in Lot 34 , Queens County, Province of Prince Edward Island, being acquired from Lowell H. MacDonald of Covehead Road, Prince Edward Island.

EC2008-287

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ISLAND COASTAL SERVICES 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 Island Coastal Services Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately one decimal seven nine (1.79) acres of land in Lot 34, Queens County, Province of Prince Edward Island, being acquired from Lois MacMillan of Charlottetown, Prince Edward Island.

EC2008-288

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MALPEQUE SEAFOODS LTD.
(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 Malpeque Seafoods Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately two hundred and twenty-two (222) acres of land in Lot 60, Queens County, Province of Prince Edward Island, being acquired from Farm Credit Canada (Mortgagee in Possession) of Kanata, Ontario 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.

EC2008-289

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
SHELDON HOWATT INC.
(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 Sheldon Howatt Inc. of Tryon, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to one hundred and eleven (111) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Sheldon Howatt Inc. 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.

EC2008-290

**PESTICIDES CONTROL ACT
REGULATIONS
AMENDMENT**

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

1. Section 1 of the *Pesticides Control Act* Regulations (EC761/05) is amended by the addition of the following after clause (y):

(y.01) “ready-to-use herbicide” means a herbicide that does not require dilution or mixing prior to application; ready-to-use herbicide

2. Clauses 2(a) and (b) of the regulations are amended by the deletion of the word “regulated”.

3. Clause 3(2)(a) of the regulations is amended by the deletion of the word “regulated”.

4. Section 5 of the regulations is amended

(a) in subsection (1), by the deletion of the words “The Minister” and the substitution of the words “Subject to subsections (6) and (7), the Minister”; and

(b) by the addition of the following after subsection (6):

(7) A person who applies for a Class D Pesticide Application Business Licence is not required to hold the insurance coverage required by subclause (1)(a)(i). Insurance not required for pollution liability

5. Clause 6(2.1)(b) of the regulations is amended by the deletion of the words “or a valid AG-1 Pesticide Use Certificate” and the substitution of the words “, a valid AG-1 Pesticide Use Certificate or a valid Loader/mixer Certificate”.

6. Section 6 of the regulations is amended by the addition of the following after subsection (2.1):

(2.2) Notwithstanding subsection (1), the Minister may, on application, issue a Class I Pesticide Applicator Certificate to an applicant who Class I Pesticide Applicator Certificate

(a) has successfully completed a training program on the application of a herbicide using a wiper, brush or roller approved by the Director, with or without the completion of a written examination; and

(b) holds a valid Class A Pesticide Applicator Certificate, a valid AG-1 Pesticide Use Certificate or a valid Loader/mixer Certificate.

7. Clause 7(3)(a) of the regulations is amended by the deletion of the word “in” and the substitution of the word “on”.

8. Subsection 8(4) of the regulations is amended by the deletion of the words “the face of”.

9. Clause 9(1)(e) of the regulations is amended by the addition of the words “measured at the point of application” after the words “wind direction”.

10. Subsection 13(9) of the regulations is revoked.

11. Subsection 15(1) of the regulations is amended by the deletion of the words “licence or certificate” and the substitution of the words “licence, certificate or permit”.

12. Section 18 of the regulations is amended

(a) in subsection (1),

(i) by the addition of the words “or a golf course,” after the words “agricultural operation”, wherever they occur, and
 (ii) by the deletion of the word “regulated” and the substitution of the word “non-domestic”; and

(b) in clauses (2)(b) and (c) and subsection (3), by the addition of the words “or a golf course,” after the words “agricultural operation”, wherever they occur.

13. Subclauses 20(2)(c)(ii) and (d)(ii) of the regulations are amended by the addition of the word “liquid” before the word “pesticide” wherever it occurs.

14. Subsection 21(2) of the regulations is revoked.

15. The regulations are amended by the addition of the following after section 22.1:

22.2 (1) Notwithstanding clause 28(2)(k), a person may apply a ready-to-use herbicide using a wiper, brush or roller if the person

Ready-to-use herbicide

- (a) has completed training regarding the application of ready-to-use herbicides that was
- (i) approved by the Director,
 - (ii) conducted in a language appropriate to that person, and
 - (iii) provided or conducted by a person who holds a Class A or Class I Pesticide Applicator Certificate; and
- (b) is supervised, when applying the ready-to-use herbicide, by another person who
- (i) holds a Class A or Class I Pesticide Applicator Certificate, and
 - (ii) is present at the site where the ready-to-use herbicide is being applied and is within direct sight of the person applying the ready-to-use herbicide.

(2) A person who trains another person in the application of a ready-to-use herbicide using a wiper, brush or roller shall provide

Record of training

- (a) the person, on the completion of the training; and
- (b) the employer, if any, of the person at the time the person completes the training,

with a written record of the training, which shall include

- (c) a description of the training completed;
- (d) the name of the person who was trained;
- (e) the date the training was completed; and
- (f) the name of the person that performed the training.

(3) An employer who, pursuant to subsection (2), receives a written record of the training of a person shall

Records retention availability

- (a) keep the written record for a period of at least three years from the date the training was completed; and
- (b) make the record available, on request, to any environment officer appointed under the *Environmental Protection Act*, any environmental health officer appointed under the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, any medical practitioner registered under the *Medical Act* R.S.P.E.I. 1988, Cap. M-5 or any conservation officer appointed or designated under the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1.

16. Clauses 28(2)(k) and (l) of the regulations are amended by the deletion of the words “Application Business Licence” wherever they occur and the substitution of the words “Applicator Certificate”.

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

- 29.** No person shall mix a non-domestic pesticide unless the person
- (a) holds a Loader/mixer Certificate; or
 - (b) holds a Pesticide Applicator Certificate.

Mixing pesticide

18. Section 33 of the regulations is amended by the deletion of the word “regulated” and the substitution of the word “non-domestic”.

19. Section 35 of the regulations is amended by the deletion of clause (d) and the substitution of the following:

(d) a pesticide listed in Schedule 1,

20. Clause (h) of Schedule 2 of these regulations is amended by the deletion of the words “or in a commercial rodenticide”.

21. Schedule 3 of the regulations is amended

(a) in Form 7, by the deletion of the words “Class I Other - other pesticide applications” and the substitution of the following:

Class I, Manual Herbicide Treatment - application of a herbicide using a wiper, brush, roller or by spot treatment

Class J, Other - other pesticide applications

(b) in Form 8, by the deletion of the words “Class I Other - other pesticide applications” and the substitution of the following:

Class I, Manual Herbicide Treatment - application of a herbicide using a wiper, brush, roller or by spot treatment

Class J, Other - other pesticide applications

(c) in Form 12, in the first box of the form, by the deletion of the words “Applicant (Agricultural Operation) Information” and the substitution of the words “Applicant Information”.

22. Schedule 4 of the regulations is amended by the deletion of the words: “* The fee for a Class D Pesticide Applicator Certificate is waived if the person holds a valid Class A Pesticide Applicator Certificate or a valid AG-1 Pesticide Use Certificate.” and the substitution of the words “***The fee for a Class D, Class G and Class I Pesticide Applicator Certificate may be waived if the applicant holds a valid Class A Pesticide Applicator Certificate, a valid AG-1 Pesticide Use Certificate or a valid Loader/mixer Certificate.”.**

23. These regulations come into force on May 17, 2008.

EXPLANATORY NOTES

SECTION 1 adds a definition that clarifies meaning of a “ready-to-use herbicide”.

SECTIONS 2 and 3 delete the word “regulated”.

SECTION 4 adds a provision that waives the pollution liability insurance requirement for a Class D Application Business License.

SECTION 5 adds a reference to a Loader/mixer Certificate.

SECTION 6 provides for a Class I Pesticides Applicator Certificate.

SECTION 7 corrects a typographical error.

SECTION 8 removes some extraneous words.

SECTION 9 adds parameters clarifying the measurement of a pesticide application.

SECTION 10 revokes a provision that is spent.

SECTION 11 adds a reference to a permit.

SECTION 12 adds references to a golf course.

SECTION 13 clarifies references to liquid pesticides.

SECTION 14 revokes a labelling requirement.

SECTION 15 deals with the application of a ready-to-use herbicide.

SECTION 16 replaces a reference to an Application Business Licence with a reference to an Applicator Certificate.

SECTION 17 revokes a provision that prohibits the handling of a non-domestic pesticide, or the transportation on a highway a non-domestic pesticide, unless the person doing so holds a Loader/mixer Certificate, Pesticide Applicator Certificate or a Transportation of Dangerous Goods Certificate.

SECTION 18 replaces a reference to a regulated pesticide with a reference to a non-domestic pesticide.

SECTION 19 corrects a reference to Schedule 1.

SECTION 20 deletes a reference to a commercial rodenticide in Schedule 2.

SECTION 21 adds a reference to a Class I licence to Forms 7 and 8, and deletes a reference to agricultural operation from Form 12.

SECTION 22 adds a reference to a Class I Pesticide Applicator Certificate to Schedule 4.

SECTION 23 provides for the commencement of these regulations.