

# Royal Gazette

## Prince Edward Island

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**VOL. CXXXVIII—NO. 30**

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**Charlottetown, Prince Edward Island, July 28, 2012**

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**CANADA**  
**PROVINCE OF PRINCE EDWARD ISLAND**  
**IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
HINSLEY, Barbara (also known as Barbara A. Hinsley) West Hartford County of Hartford Connecticut, USA July 28, 2012 (30-43)*	Judith V. Straayer (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
REDMOND, Rita Grace Charlottetown Queens Co., PE July 28, 2012 (30-43)*	Brenda Dougay Patricia Ann Brun (AD.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
BARLOW, John Harold Wellington Prince Co., PE July 21, 2012 (29-42)	John Harold MacLeod (EX.)	McInnes Cooper PO Box 177 O'Leary, PE
BASLER, Sarah (Sally) Summerside Prince Co., PE July 21, 2012 (29-42)	Linda MacAusland Terry Hamilton George A. Lyle (EX.)	Estate of Sarah (Sally) Basler 3 Carol Avenue Summerside, PE
BIGGAR, Everett J. Stratford Queens Co., PE July 21, 2012 (29-42)	Trudy Pelley (EX.)	McInnes Cooper BDC Place, Suite 620 119 Kent Street Charlottetown, PE

\*Indicates date of first publication in the Royal Gazette.

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
DALY, Wilbur J. (also known as James Daniel Wilbur Daly) Iona Queens Co., PE July 21, 2012 (29-42)	Kevin James Daly (EX.)	Matheson & Murray PO Box 875 Charlottetown, PE
ELLIOTT, Ruth Isabelle Charlottetown Queens Co., PE July 21, 2012 (29-42)	J. Gordon MacKay, QC (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
FORD, David Henry Warren Grove Queens Co., PE July 21, 2012 (29-42)	Gloria Thomson Milton D. Ford (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
GAUDET, Frances Elizabeth Charlottetown Queens Co., PE (Formerly of Toronto, ON) July 21, 2012 (29-42)*	Lawrence (Lorne) Stephen Gaudet (EX.)	Elizabeth S. Reagh, QC 17 West Street Charlottetown, PE
GHIZ, Marguerite Farha Charlottetown Queens Co., PE July 21, 2012 (29-42)	Peter C. Ghiz (EX.)	Peter C. Ghiz & Associates 120 Prince Street Charlottetown, PE
HARBOTTLE, Thomas Gordon West St. Peters Queens Co., PE July 21, 2012 (29-42)	Russell Barrie Harbottle (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
SALEMI, Joseph Vincent Middleborough, Plymouth Co., Massachusetts, USA July 21, 2012 (29-42)	Nadia R. Salemi (EX.)	Collins & Associates National Bank Tower, Suite 200 134 Kent Street Charlottetown, PE
GILBERT, Elizabeth (Betty) Charlottetown Queens Co., PE July 14, 2012 (28-41)	Lynn Gilbert Janet MacDonald (EX.)	McInnes Cooper BDC Place, Suite 620 119 Kent Street Charlottetown, PE

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
KELLY, Leonard Joseph Kensington Prince Co., PE July 14, 2012 (28-41)	Mary Evelyn Kelly (EX.)	McInnes Cooper PO Box 1570 Summerside, PE
MacINNIS, Judy Ann Stratford Queens Co., PE July 14, 2012 (28-41)	Brian McVicar (EX.)	McInnes Cooper BDC Place, Suite 620 119 Kent Street Charlottetown, PE
BARLOW, Margaret Hilda Wellington Prince Co., PE July 7, 2012 (27-40)	Claude Barlow (EX.)	McInnes Cooper PO Box 177 O'Leary, PE
BEER, H. Hazel Charlottetown Queens Co., PE July 7, 2012 (27-40)	Doreen Pound Vivian H. Beer (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
BRUCE, Elsie Ethel Charlottetown Queens Co., PE July 7, 2012 (27-40)	Dale Cindy Sharkey (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
DARRACH, Mary Eleanor Charlottetown Queens Co., PE July 7, 2012 (27-40)	Freeman D. MacKenzie Lincoln MacKenzie June Scribner (EX.)	Elizabeth S. Reagh, QC 17 West Street Charlottetown, PE
DUGGAN, Donna Jean O'Leary Prince Co., PE (Formerly of Thunder Bay, ON) July 7, 2012 (27-40)	Pius Joseph Duggan (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
INMAN, Dorothy R. (also known as Dorothy Russell Inman) Summerside Prince Co., PE July 7, 2012 (27-40)	Gerald Major Inman Cheryl Jean Inman (EX.)	Cox & Palmer 82 Summer Street Summerside, PE

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
LAUGHLIN, Thomas Errol Summerside Prince Co., PE July 7, 2012 (27-40)	Sharon Harris Diane Griffin (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
MacLEAN, Grant Mitchell Charlottetown Queens Co., PE July 7, 2012 (27-40)*	Mary Charlotte MacEachern (EX.)	McInnes Cooper BDC Place, Suite 620 119 Kent Street Charlottetown, PE
MacLEOD, Audrey Bessie Wellington Prince Co., PE July 7, 2012 (27-40)	John Harold MacLeod (EX.)	McInnes Cooper PO Box 177 O'Leary, PE
STEWART, John K. West Point Prince Co., PE July 7, 2012 (27-40)	Geraldine Stewart (EX.)	McInnes Cooper PO Box 177 O'Leary, PE
THOMPSON, Andrew Forbes Darnley Prince Co., PE July 7, 2012 (27-40)	James Frederick Thompson Mildred Rose Connors (EX.)	McInnes Cooper PO Box 1570 Summerside, PE
CROWE, Mariah Louise Reading, Middlesex Co. Massachusetts, USA July 7, 2012 (27-40)	Janet L. Garland (AD.)	Cox & Palmer PO Box 516 Montague, PE
DOUCETTE, George Barry (also known as Barry John Doucette) Charlottetown Queens Co., PE July 7, 2012 (27-40)	Elizabeth Doucette (AD.)	Stewart McKelvey PO Box 2140 Charlottetown
MacKINNON, Daniel Sudbury, Middlesex Co. Massachusetts, USA July 7, 2012 (27-40)	Janet L. Garland (AD.)	Cox & Palmer PO Box 516 Montague, PE
WOOD, Bernice Evangeline Theresa Charlottetown Queens Co., PE July 7, 2012 (27-40)	Paul Kendall Wood Richard Edwin Wood (AD.)	Robert R. MacArthur PO Box 127 Charlottetown, PE

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
BALLUM, Bertha Tyne Valley Prince Co., PE June 30, 2012 (26-39)	Donna Lee Noye Gary Ballum (EX.)	McInnes Cooper PO Box 177 O'Leary, PE
CARROLL, Margaret Isabelle Alborton Prince Co., PE June 30, 2012 (26-39)	Alan MacRae (EX.)	Cox & Palmer PO Box 40 Alborton, PE
HAGEN, Allan J. Hunter River Queens Co., PE June 30, 2012 (26-39)	Arnold Hagen (EX.)	McInnes Cooper PO Box 1570 Summerside, PE
MacDONALD, Joseph Faber Stratford Queens Co., PE June 30, 2012 (26-39)	Marion Annie MacDougall (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
SHEPARD, Cecil Andrew Cardigan Kings Co., PE June 30, 2012 (26-39)	Joseph Kilbride (EX.)	Cox & Palmer PO Box 516 Montague, PE
WARD, James Wilfred Charlottetown Queens Co., PE June 30, 2012 (26-39)	David B. Ward (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
BARWISE, Enid Summerside Prince Co., PE June 30, 2012 (26-39)	Duane Reeves (AD.)	Lyle & McCabe PO Box 300 Summerside, PE
LEHMAN, James Stanley Charlottetown Queens Co., PE June 30, 2012 (26-39)	Keith Boire (AD.)	Campbell Stewart PO Box 485 Charlottetown, PE
COURT, Lewis M. Donaldston Queens Co., PE June 23, 2012 (25-38)	Andrea Aletha Court Marilyn Diane Doyle (EX.)	Birt & McNeill 138 St. Peters Road Charlottetown, PE

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COYLE, Louis St. Clair Cardigan Kings Co., PE June 23, 2012 (25-38)	Edythe Docherty (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
GIBB, Alice Loretta Charlottetown Queens Co., PE June 23, 2012 (25-38)	Dianne Bowley (EX.)	Catherine M. Parkman Law Office PO Box 1056 Charlottetown, PE
MacLEAN, Evelyn Alice Charlottetown Queens Co., PE June 23, 2012 (25-38)	Peter Buchanan Bethany Buchanan (EX.)	Cox & Palmer PO Box 486 Charlottetown, PE
MacNEVIN, Lorna Christine Charlottetown (Formerly of Argyle Shore) Queens Co., PE June 23, 2012 (25-38)	Donald Leslie MacNevin Gordon (Gordan) Keir MacNevin Graham Bruce MacNevin (EX.)	Elizabeth S. Reagh, QC 17 West Street Charlottetown, PE
WEATHERBIE, Alfred M. Charlottetown Queens Co., PE June 23, 2012 (25-38)	David F. G. Johnston (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
CROKEN, Ruth C. Charlottetown Queens Co., PE June 16, 2012 (24-37)	Janice Gallant (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
GALLANT, Leo Edward Summerside Prince Co., PE June 16, 2012 (24-37)	Robert Gallant (EX.)	David R. Hammond, QC 26 Bayside Road Summerside, PE
HUGHES, Olive Jean Charlottetown Queens Co., PE June 16, 2012 (24-37)	Katherine Tufts (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE

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MacDONALD, Father Allan Francis Charlottetown Queens Co., PE June 16, 2012 (24-37)	Rita Redmond Daniel MacDonald (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
MacINTYRE, Albert Edward Mount Stewart Queens Co., PE June 16, 2012 (24-37)	Kevin MacIntyre (EX.)	Boardwalk Law Offices 220 Water Street Parkway Charlottetown, PE
PHILLIPS, Wendell Major Summerside Prince Co., PE June 16, 2012 (24-37)	Brenda Ruth Phillips (EX.)	McInnes Cooper Box 1570 Summerside, PE
ROACH, Gertrude Helena Charlottetown Queens Co., PE June 16, 2012 (24-37)	Edward McQuaid Jason McQuaid (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
SUTO, Sylvia (also known as Silvia Suto) French River, Kensington RR#2 Queens Co., PE June 16, 2012 (24-37)	Albert S. Suto (EX.)	Lyle & McCabe Box 300 Summerside, PE
ARSENAULT, William Joseph Pleasant View Prince Co., PE June 16, 2012 (24-37)	Laura Lee Arsenault (AD.)	McInnes Cooper PO Box 177 O'Leary, PE
HORNBY, James Oswald Charlottetown Queens Co., PE June 16, 2012 (24-37)	James John Hornby (AD.)	James John Hornby 35 MacEachern Road Mount Herbert, PE
PETERS, Susan Genevieve Souris Kings Co., PE June 16, 2012 (24-37)	Brian Reginald Peters Suzette Anne Marie Peters Michael Gerard Peters (AD.)	Birt & McNeill 138 St. Peters Road Charlottetown, PE

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CAMPBELL, Georgie Ona Alberton Prince Co., PE June 9, 2012 (23-36)	D. Spencer Campbell David Campbell (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
MacLEOD, Verna Emma Charlottetown Queens Co., PE June 9, 2012 (23-36)	Paul Moase Ryan Dostie (EX.)	Catherine M. Parkman Law Office PO Box 1056 Charlottetown, PE
MURPHY, Ethel Beatrice Montague Kings Co., PE June 9, 2012 (23-36)	Marlene Anne Boyd Carolyn Lynn Murphy-Haight Nancy Doreen Murphy (EX.)	Cox & Palmer PO Box 516 Montague, PE
SUTHERLAND, Joan Murdella Summerside Prince Co., PE June 9, 2012 (23-36)	Deborah Ann Sutherland (EX.)	McInnes Cooper PO Box 1570 Summerside, PE
WARD, Mary Patricia Dartmouth Halifax Co., NS June 9, 2012 (23-36)	Patricia Mary Lahey James Douglas Ward (EX.)	McInnes Cooper PO Box 1570 Summerside, PE
GRAVES, Karen Marcia Bunker Hill West Virginia, USA June 9, 2012 (23-36)	Kevin Berry (AD.)	T. Daniel Tweel PO Box 3160 Charlottetown, PE
McLEOD, Eliza H. Casumpec Prince Co., PE June 9, 2012 (23-36)	Myrtle Carruthers (AD.)	McInnes Cooper PO Box 177 O'Leary, PE
McLEOD, Lewis H. Casumpec Prince Co., PE June 9, 2012 (23-36)	Myrtle Carruthers (AD.)	McInnes Cooper PO Box 177 O'Leary, PE
ARSENAULT, Lorne Joseph Kinkora Prince Co., PE June 2, 2012 (22-35)	Garth Joseph Arsenault (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE



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ARSENAULT, Walter Gerard Cornwall Queens Co., PE June 2, 2012 (22-35)	Mary Cheryl Dawn Arsenault Alfred James Troy Arsenault (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE
DARRACH, Harold O'Leary Prince Co., PE June 2, 2012 (22-35)	John Buchanan (EX.)	McLellan Brennan 37 Central Street Summerside, PE
GAY, Reginald G. (also known as Reginald George Gay) Charlottetown Queens Co., PE June 2, 2012 (22-35)	Myrna Joyce Gay (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
GENGE, Raymond Victor Glace Bay, NS (formerly of Charlottetown Queens Co., PE) June 2, 2012 (22-35)	Roy William Genge Shirlee Cruickshank (EX.)	Cox & Palmer 97 Queen St., Suite 600 Charlottetown, PE
MacNEVIN, Noel Alan "Pete" Murray River Kings Co., PE June 2, 2012 (22-35)	F. Scott MacNevin (EX.)	Cox & Palmer PO Box 516 Montague, PE
MOUNTAIN-SQUAREBRIGGS, Lila Millicent Alberton Prince Co., PE June 2, 2012 (22-35)	Brian Bowness (EX.)	Law Office of John L. Ramsay, QC PO Box 96 Summerside, PE
SHEEHAN, George E. Souris West Kings Co., PE June 2, 2012 (22-35)	Yvette M. Sheehan (EX.)	Allen J. MacPhee Law Corpora- tion PO Box 238 Souris, PE
MacDOUGALL, Gloria June Charlottetown Queens Co., PE June 2, 2012 (22-35)	Brent MacDougall Marilyn MacDougall-Williston (AD.)	Stewart McKelvey PO Box 2140 Charlottetown, PE

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MacNEVIN, Zelda Jean Murray River Kings Co., PE June 2, 2012 (22-35)	F. Scott MacNevin (AD.)	Cox & Palmer PO Box 516 Montague, PE
MONTGOMERY, Myrtis Marshall Bedecque Prince Co., PE June 2, 2012 (22-35)	Lynn Maureen Montgomery (AD.)	McLellan Brennan 37 Central Street Summerside, PE
DAVISON, Treva (also known as Treva Victoria Davison) RR#5 Spring Valley (Formerly of Baltic) Prince Co., PE May 26, 2012 (21-34)	John Davison (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
MacLEOD, Florence Grace Charlottetown Queens Co., PE May 26, 2012 (21-34)	Jean MacIntosh (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
MacLEOD, Myrtle Ruby Charlottetown Queens Co., PE May 26, 2012 (21-34)	Vernon Earl MacLeod (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
MATHESON, Margaret Hunter River (Formerly of Ebenezer) Queens Co., PE May 26, 2012 (21-34)	Harvey H. Cairns (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
NICHOLSON, Lyman Verne Charlottetown Queens Co., PE May 26, 2012 (21-34)	Peter Vernon Nicholson (EX.)	Cox & Palmer PO Box 516 Montague, PE
JUDSON, Blanche Elizabeth RR#5 Mermaid Queens Co., PE May 26, 2012 (21-34)	Wallace Judson (AD.)	T. Daniel Tweel PO Box 3160 Charlottetown, PE

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BERNARD, Robert Joseph Summerside Prince Co., PE May 19, 2012 (20-33)	Peter Morris Joseph Peterson (EX.)	McInnes Cooper PO Box 1570 Summerside, PE
BRYENTON, Dorothy Lily Charlottetown Queens Co., PE May 19, 2012 (20-33)	James Walter Bryenton (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
CURRIE, Mary Jeanette Rocky Point Queens Co., PE May 19, 2012 (20-33)	Stephen E. Currie (EX.)	T. Daniel Tweel PO Box 3160 Charlottetown, PE
HYNES, John Philip Plumweseep New Brunswick May 19, 2012 (20-33)	John Hugh Hynes Frances Elizabeth Sear (EX.)	Donald Schurman 155A Arcona Street Summerside, PE
MOORE, Evelyn Mildred Crapaud Queens Co., PE May 19, 2012 (20-33)	Paul Lee Moore (EX.)	Catherine M. Parkman Law Office PO Box 1056 Charlottetown, PE
O'CONNOR, James Cyril (also known as Cyril James O'Connor) Summerside Prince Co., PE May 19, 2012 (20-33)	Randall O'Connor (EX.)	Donald Schurman 155A Arcona Street Summerside, PE
PERLEY, Steven Emery Charlottetown Queens Co., PE May 19, 2012 (20-33)	Robert (Rob) King (EX.)	Boardwalk Law Offices 220 Water Street Parkway Charlottetown, PE
ROSSITER, John Francis Morell Kings Co., PE May 19, 2012 (20-33)	Margaret Rossiter (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
STETSON, Alvin (also known as Alvin Samuel Stetson) South Freetown Prince Co., PE May 19, 2012 (20-33)	Brenda Cameron Waddell Faron Stetson (EX.)	Cox & Palmer 82 Summer Street Summerside, PE

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GALLANT, Joseph Albert Summerside Prince Co., PE May 19, 2012 (20-33)	Raymond Joseph Gallant (AD.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
LAWLESS, Clara Elizabeth Kinkora Prince Co., PE May 19, 2012 (20-33)	Justin Lawless Neil Lawless (AD.)	David R. Hammond, QC 740A Water Street East Summerside, PE
ALLEN, William Arthur Summerside Prince Co., PE May 12, 2012 (19-32)	Annabel Veale (EX.)	David R. Hammond, QC 740A Water Street East Summerside, PE
CULLEN, Mary Mildred Elaine Charlottetown Queens Co., PE May 12, 2012 (19-32)	Michael Francis Cullen (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
DOIRON, Aiden J. North Rustico Queens Co., PE May 12, 2012 (19-32)	Karen M. Doucette S. Douglas Doiron (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE
DOIRON, Beverley A. North Rustico Queens Co., PE May 12, 2012 (19-32)	Cheryl A. Blanchard S. Douglas Doiron (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE
FOY, Audrey Louise Tryon, Albany RR#2 Prince Co., PE May 12, 2012 (19-32)	David Lloyd Maynard Foy (EX.)	McLellan Brennan 37 Central Street Summerside, PE
HARPER, Myrtle Jean Summerside Prince Co., PE May 12, 2012 (19-32)	John Richard Ryder Boyne (EX.)	Law Office of John L. Ramsay, QC PO Box 96 Summerside, PE
HUNT, Leslie Arthur Charlottetown Queens Co., PE May 12, 2012 (19-32)	Herbert Meeks Barry Hunt Colleen Meeks (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE

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LEWIS, Clara Belle Alberton Prince Co., PE May 12, 2012 (19-32)	Kathy Bridges Carl Lewis (EX.)	Cox & Palmer PO Box 40 Alberton, PE
LIVINGSTONE, Malcolm Duncan Eldon Queens Co., PE (Formerly of Murray River Kings Co., PE) May 12, 2012 (19-32)	Florence Bell Alan Long (EX.)	Cox & Palmer 97 Queen St., Suite 600 Charlottetown, PE
MacDONALD, Allan F. Sterling, Massachusetts, USA (Formerly of Westborough, Massachusetts, USA) May 12, 2012 (19-32)	J. Stephen MacAulay (EX.)	Cox & Palmer 97 Queen St., Suite 600 Charlottetown, PE
MacDONALD, Copthorne Rice Point Queens Co., PE May 12, 2012 (19-32)	Beverly Mills Stetson (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
SAUNDERS, Mary Claire Summerside Prince Co., PE May 12, 2012 (19-32)	Susan Marie Ashley William John Saunders MD Private Trust Company (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
SPRACKLIN, Gerald David Souris Kings Co., PE May 12, 2012 (19-32)	Audrey Ruth Campbell (EX.)	Birt & McNeill 138 St. Peters Road Charlottetown, PE
COSTELLO, Shawn Joseph Green Bay Queens Co., PE May 12, 2012 (19-32)	Estelle Mary Costello Austin John Costello (AD.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
MacKAY, Christena "Jean" Charlottetown Queens Co., PE May 12, 2012 (19-32)	J. Gordon MacKay, QC Lori MacKay-Loggie (AD.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE

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BLACQUIERE, Gerald Joseph Albany RR#2 Prince Co., PE May 5, 2012 (18-31)	Barbara Ann Wood Patricia Mable Beauchesne (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
BRADSHAW, Melbourne (Everett) Allison (aka Everett Allison Bradshaw and as Everett Bradshaw) RR#1 Kinkora (Formerly of Middleton) Prince Co., PE May 5, 2012 (18-31)	Reginald Cameron (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
GILLIS, Kathleen Virginia Montague Kings Co., PE May 5, 2012 (18-31)	Heather Marie Gillis (EX.)	Cox & Palmer PO Box 516 Montague, PE
KEUPER, Elinore Charlottetown Queens Co., PE May 5, 2012 (18-31)	John Keuper (EX.)	McInnes Cooper BDC Place, Suite 620 119 Kent Street Charlottetown, PE
MacDONALD, Letitia Olive Charlottetown Queens Co., PE May 5, 2012 (18-31)	Marion M. Cutcliffe F. Wayne Cutcliffe (EX.)	Cox & Palmer PO Box 486 Charlottetown, PE
MacEWEN, Albert Claude Charlottetown Queens Co., PE May 5, 2012 (18-31)	Neil Duncan MacEwen (EX.)	Robert R. MacArthur PO Box 127 Cornwall, PE
ARSENAULT, Leonard Darryl Summerside Prince Co., PE May 5, 2012 (18-31)	Leonard Arsenaault (AD.)	McLellan Brennan 37 Central Street Summerside, PE
DOCKENDORFF, Russell C. (Sr.) Morell Kings Co., PE April 28, 2012 (17-30)	Esther (Dockendorff) Runighan Scott Dockendorff (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE

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**PROVINCE OF PRINCE EDWARD ISLAND**  
**IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
GREENE, Florence Marie Charlottetown Queens Co., PE April 28, 2012 (17-30)	Andrea Slys (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
LANDEFELD, William Wise Seattle Washington, USA April 28, 2012 (17-30)	John Hooper Landefeld (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
McINNIS, Mary Margaret Naomi Kensington Prince Co., PE April 28, 2012 (17-30)	Edward Allan McInnis William Joseph McInnis James Leo Vincent McInnis (EX.)	Law Office of John L. Ramsay, QC PO Box 96 Summerside, PE
SHERREN, Yvonne Louise (also known as Bonnie Sherren) Rusticoville Queens Co., PE April 28, 2012 (17-30)	Richard Smith (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
AHEARN, Irma A. Alberton Prince Co., PE April 28, 2012 (17-30)	Kelly Handrahan Emmett Profit (AD.)	Cox & Palmer PO Box 40 Alberton, PE
MacDONALD, Merina Beatrice Charlottetown Queens Co., PE April 28, 2012 (17-30)	Kevin MacDonald (AD.)	Macnutt & Dumont PO Box 965 Charlottetown, PE

The following order was approved by His Honour the Lieutenant Governor in Council dated 17 July 2012.

**EC2012-414**

**PROVINCIAL COURT ACT  
JUSTICE OF THE PEACE  
APPOINTMENT**

Under authority of section 14 of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25, Council appointed 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.

Signed,

Stephen C. MacLean  
Clerk of the Executive Council

**PROCLAMATION**

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND

(Great Seal)  
ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
Canada and Her other Realms and  
Territories, QUEEN, Head of the  
Commonwealth, Defender of the Faith.

HON. H. FRANK LEWIS  
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any wise concern:

**GREETING  
A PROCLAMATION**

WHEREAS in and by section 6 of Chapter 18 of the Acts passed by the Legislature of Prince Edward Island in the 2nd Session thereof held in the year 2012 and in the sixty-first year of Our Reign intituled "*An Act to Amend the Highway Traffic Act*" it is enacted as follows:

"This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.",

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2012, c. 18 should come into force on the 28th day of July, 2012,

NOW KNOW YE that We, by and with the advice and consent of our Executive Council for Prince Edward Island, do by this Our Proclamation ORDER AND DECLARE that the said Act being "*An Act to Amend the Highway Traffic Act*" passed in the sixty-first year of Our Reign shall come into force on the twenty-eighth day of July, two thousand and twelve of which all persons concerned are to take notice and govern themselves accordingly.

<http://www.gov.pe.ca/royalgazette>



IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable H. Frank Lewis, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this seventeenth day of July in the year of Our Lord two thousand and twelve and in the sixty-first year of Our Reign.

By Command,

STEPHEN C. MACLEAN  
Clerk of the Executive Council

### PROCLAMATION

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND

(Great Seal)  
ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
Canada and Her other Realms and  
Territories, QUEEN, Head of the  
Commonwealth, Defender of the Faith.

HON. H. FRANK LEWIS  
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any wise concern:

### GREETING A PROCLAMATION

WHEREAS in and by section 3 of Chapter 28 of the Acts passed by the Legislature of Prince Edward Island in the 2nd Session thereof held in the year 2012 and in the sixty-first year of Our Reign intituled "*Municipal Statutes Amendment Act 2012*" it is enacted as follows:

"This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.",

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2012, c. 28 should come into force on the 28th day of July, 2012,

NOW KNOW YE that We, by and with the advice and consent of our Executive Council for Prince Edward Island, do by this Our Proclamation ORDER AND DECLARE that the said Act being the "*Municipal Statutes Amendment Act 2012*" passed in the sixty-first year of Our Reign shall come into force on the 28th day of July, two thousand and twelve of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable H. Frank Lewis, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this seventeenth day of July in the year of Our Lord two thousand and twelve and in the sixty-first year of Our Reign.

By Command,

STEPHEN C. MACLEAN  
Clerk of the Executive Council

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**PROCLAMATION**

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND

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ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
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Territories, QUEEN, Head of the  
Commonwealth, Defender of the Faith.

HON. H. FRANK LEWIS  
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any wise concern:

**GREETING  
A PROCLAMATION**

WHEREAS in and by section 3 of Chapter 29 of the Acts passed by the Legislature of Prince Edward Island in the 2nd Session thereof held in the year 2012 and in the sixty-first year of Our Reign intituled “*An Act to Amend the Off-Highway Vehicle Act*” it is enacted as follows:

“This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.”,

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2012, c. 29 should come into force on the 28th day of July, 2012,

NOW KNOW YE that We, by and with the advice and consent of our Executive Council for Prince Edward Island, do by this Our Proclamation ORDER AND DECLARE that the said Act being the “*An Act to Amend the Off-Highway Vehicle Act*” passed in the sixty-first year of Our Reign shall come into force on the 28th day of July, two thousand and twelve of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable H. Frank Lewis, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this seventeenth day of July in the year of Our Lord two thousand and twelve and in the sixty-first year of Our Reign.

By Command,

STEPHEN C. MACLEAN  
Clerk of the Executive Council

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**PROCLAMATION**

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND

(Great Seal)  
ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
Canada and Her other Realms and  
Territories, QUEEN, Head of the  
Commonwealth, Defender of the Faith.

HON. H. FRANK LEWIS  
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any wise concern:

**GREETING  
A PROCLAMATION**

WHEREAS in and by section 6 of Chapter 31 of the Acts passed by the Legislature of Prince Edward Island in the 2nd Session thereof held in the year 2012 and in the sixty-first year of Our Reign intituled "*An Act to Amend the Public Health Act*" it is enacted as follows:

"This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.",

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2012, c. 31 should come into force on the 1st day of August, 2012,

NOW KNOW YE that We, by and with the advice and consent of our Executive Council for Prince Edward Island, do by this Our Proclamation ORDER AND DECLARE that the said Act being "*An Act to Amend the Public Health Act*" passed in the sixty-first year of Our Reign shall come into force on the 1st day of August, two thousand and twelve of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable H. Frank Lewis, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this seventeenth day of July in the year of Our Lord two thousand and twelve and in the sixty-first year of Our Reign.

By Command,

STEPHEN C. MACLEAN  
Clerk of the Executive Council

**EPPEI 12-09**  
**EGG PRODUCERS OF PRINCE EDWARD ISLAND**

**BOARD ORDER: EPPEI 12-09**  
**EFFECTIVE: July 22, 2012**  
**ISSUED: July 18, 2012**

Under the *Natural Products Marketing Act*, R.S.P.E.I.1988, Cap. N-3, the Egg Commodity Marketing Regulations and the Prince Edward Island Egg Order made pursuant to the Agricultural Products Marketing Act (Canada), the Egg Producers of Prince Edward Island makes the following Order:

**PRICE DETERMINATION ORDER - AMENDMENT**

- Application 1. This Order amends the prices contained in Section 4 of Board Order 86-7.
- Prices amended 2. Section 4 of Board Order 86-7 is hereby amended by the deletion of clauses (a), (b) and (d) and the substitution thereof of the following:

(a) minimum Canada Grade A Producer Price by the dozen:

Extra Large	\$1.96
Large	\$1.96
Medium	\$1.84
Small	\$1.36

(b) suggested minimum Canada Grade A Wholesale Carton Price:

Extra Large	\$2.59
Large	\$2.56
Medium	\$2.44
Small	\$1.96

(d) minimum Canada Grade A Spot Price:

Extra Large	\$2.46
Large	\$2.43
Medium	\$2.31
Small	\$1.83

- Commencement 3. This Order shall come into force on the 22nd day of July, 2012.

Dated at Charlottetown, Prince Edward Island, this 18th day of July, 2012.

John Dennis, Chairman  
Nathan Burns, Secretary

**DFPEI 2012-02**  
**DAIRY FARMERS OF PRINCE EDWARD ISLAND**

**Order: DFPEI 2012-02**  
**Effective: 1 August 2012**

Under the *Natural Products Marketing Act*, R.S.P.E.I.1988, Cap. N-3, and the Dairy Farmers of Prince Edward Island Regulations thereunder, Dairy Farmers of Prince Edward Island makes the following Order:

**RAW MILK PRODUCTION AND TRANSPORTATION ORDER**

**PART I**  
**DEFINITIONS**

Definitions Act	1. In this Order:
automatic milking system	(a) “Act” means the Natural Products Marketing Act, RSPEI, 1988, Cap.N-3;
	(b) “automatic milking system (AMS)” is a milking system that does not require an individual to conduct the actual milking of the animals. Also known as a robotic milking system;
Board	(c) “Board” means Dairy Farmers of Prince Edward Island created under the Natural Products Marketing Act, R.S.P.E.I. 1988, Cap.N-3;
bulk milk grader	(d) “bulk milk grader” means a person licensed by the Board to perform the duties of a bulk milk grader as described in this order and who holds a Bulk Milk Grader’s Licence;
bulk milk grader’s license	(e) “bulk milk grader’s license” means a license issued by the Board for the performance of duties as a bulk milk grader as described in this order;
bulk milk tank	(f) “bulk milk tank” means a vessel for cooling and holding milk until it can be transferred to a transport vehicle;
dairy animal	(g) “dairy animal” means a cow of the bovine family kept for the purposes of milking;
dairy barn	(h) “dairy barn” means a barn in which feeding and holding areas are used in conjunction with a milking system;
dairy farm	(i) “dairy farm” means a farm where dairy animals are kept for milking and from which milk is marketed or sold for processing in a dairy plant or for human consumption, and includes all buildings, yards and premises occupied or used in connection with the production of milk;
dairy plant	(j) “dairy plant” means a premises, building or structure, where milk is received and/or dairy products are prepared;
dairy plant process worker	(k) “dairy plant process worker” means a person who engages in activities, duties and functions related to the manufacture of dairy products;
demerit point	(l) “demerit point” means a score assigned to some items on the Dairy Farm Inspection Report, where zero to five points may be assessed by the inspector depending on the

	level of compliance with the requirement, with zero indicating full compliance and five indicating failure to meet any expectations for the item being scored;
DFPEI	(m) “DFPEI” means Dairy Farmers of Prince Edward Island;
free stall barn	(n) “free stall barn” means a building with alleyways and individual stalls where dairy animals are housed and have free access to stalls;
inhibitor	(o) “inhibitor” means any substance, other than a bacterial culture, that does not occur naturally in milk and inhibits the growth of bacteria in milk or negatively affects the organoleptic properties of milk or dairy products;
inspector	(p) “inspector” means a person who is a bulk milk grader and is appointed by the Board to inspect dairy farms, dairy barns, milking parlours, milking areas, milk houses, milk handling equipment and transport vehicles as described in this order, to ensure compliance with this order and other orders of the Board regulating the production, handling, storage, transportation and marketing of milk;
laboratory	(q) “laboratory” means the Prince Edward Island Analytical Laboratory, or an alternate, that has been recognized to be in compliance with an international standard (ISO/IEC 17025) and that is designated by the Board to analyse raw milk samples for the Board;
loose housing barn	(r) “loose housing barn” means a structure with a minimum of three walls and a roof that contains no stalls;
major deficiency	(s) “major deficiency” means a violation of an item on the Dairy Farm Inspection Report that requires corrective action and poses significant risk to the safety or quality of the milk, or the safe and sustainable operation of the dairy farm;
milk	(t) “milk” means a normal lacteal secretion free of colostrum obtained from the mammary gland of a dairy animal;
milking area	(u) “milking area” means a segregated area within a dairy barn where dairy animals are milked;
milk house	(v) “milk house” means a building or structure where <ul style="list-style-type: none"> <li>(i) milk is cooled and/or stored; and</li> <li>(ii) milking equipment is cleaned, sanitized, and stored;</li> </ul>
milk marketing agency	(w) “milk marketing agency” means a provincial or territorial agency or other such organization or entity, as is defined by the legislation applicable in each province or territory, that has the legislative authority with respect to the marketing of milk;
milking parlour	(x) “milking parlour” means an enclosed area or structure where milking occurs but where no animals are housed;
minor deficiency	(y) “minor deficiency” means a violation of an item on the Dairy Farm Inspection Report that requires corrective action but does not pose an immediate risk to the safety or quality of the milk, or the safe and sustainable operation of the dairy farm;
pay period	(z) “pay period” means a period of time from the first day of a month to the fifteenth day of a month or from the sixteenth day of a month to the last day of a month as the case may be;

pasteurization	(aa) “pasteurization” means the process of heating every particle of milk to at least 63°C and holding it at that temperature continuously for at least 30 minutes or heating every particle of milk to a temperature of at least 72°C and holding it at that temperature for at least 15 seconds or to any other time and temperature combination approved by the Board that has been recognized and shown to be equally efficient;
producer	(bb) “producer” means a person who holds quota and has no other interest in any other quota, who markets or sells milk that has been produced by a herd of dairy animals owned or controlled by the producer;
purchasing agent	(cc) “purchasing agent” means a person appointed by the Board to purchase raw milk from the Board or directly from producers;
quota	(dd) “quota” means a producer’s share of the market for milk products as determined by the Board and assigned to a producer by the Board;
raw milk	(ee) “raw milk” means milk that has not been heated beyond 40°C or undergone any treatment that has an equivalent effect;
sale	(ff) “sale” includes trade, or barter;
tie stall barn	(gg) “tie stall barn” means a barn in which dairy animals are housed in individual stalls;
transfer depot	(hh) “transfer depot” means a building or shelter where milk is transferred from one transport vehicle to another or from one vehicle to a silo; and
transport vehicle	(ii) “transport vehicle” means a vehicle used for the transport of milk and includes a bulk milk truck.

## PART II

### REQUIREMENTS FOR MILK PRODUCTION PREMISES AND EQUIPMENT

#### Construction, Arrangement and Operation of Milk Production Premises

Areas and yards	2. (1) The areas and yards surrounding a dairy barn and milk house shall be <ul style="list-style-type: none"> <li>(a) configured and maintained in a manner that will not contribute to contamination of milk;</li> <li>(b) kept free of refuse and animal and vegetable wastes; and</li> <li>(c) well drained.</li> </ul>
Passage by transport vehicle	(2) In order to permit passage by a transport vehicle, the driveway to a milk house shall be maintained by the producer so that it is <ul style="list-style-type: none"> <li>(a) accessible in all weather conditions; and</li> <li>(b) free of animals, animal waste, locked gates and other obstacles.</li> </ul>

#### Dairy Barn

Dairy barn  
design and  
construction

	3. (1) A dairy barn shall be <ul style="list-style-type: none"> <li>(a) provided with a water source for milking operations having non-detectable levels of <i>Escherichia coli</i> bacteria and a maximum of 10 Coliform Bacteria per 100 ml, which shall be tested at least once in each calendar year;</li> <li>(b) equipped with a water system which prohibits the entry of contaminants; and</li> <li>(c) constructed and ventilated so as to prevent freezing, water condensation and the accumulation of odours.</li> </ul>
<i>Idem</i>	(2) A dairy barn shall be designed, and constructed in a manner that <ul style="list-style-type: none"> <li>(a) permits the milking operations carried on therein to be performed under sanitary conditions;</li> </ul>

- (b) minimizes the contamination of milk;
  - (c) minimizes damage by dairy animals;
  - (d) minimizes the entrance, nesting and breeding of pests; and
  - (e) prevents injuries to dairy animals.
- Idem* (3) A dairy barn shall be constructed of materials that
- (a) are durable;
  - (b) permit effective cleaning of all interior surfaces; and
  - (c) are free of any toxic or noxious substances.
- Idem* (4) Subject to subsection (5), floors and alleyways of a dairy barn shall be
- (a) constructed of concrete or other impervious materials; and
  - (b) maintained in good repair and free of standing water.
- Idem* (5) Subsection (4) does not apply to bedded areas of loose housing barns or stalls in a free stall barn.
- Idem* (6) A dairy barn shall
- (a) have walls and ceilings that are hard, washable, and light-coloured;
  - (b) if required, have stall platforms, gutters, floors, mangers and alleyways made of concrete or other impervious material and be constructed in a manner to prevent random cracking;
  - (c) subject to section 7(10), have manure removed from alleyways and gutters on a regular basis such that dairy animals remain clean; and
  - (d) if required, have stalls designed and maintained such that dairy animals are kept clean, dry and comfortable.
- Tie stall barn (7) A tie stall milking barn shall
- (a) be provided with light that is protected by shatterproof covers or coatings so as to prevent breaking glass from falling into milk; and
  - (b) be illuminated with a minimum Lux of 110 in a manner that permits the person conducting the milking operation to
    - (i) assess the cleanliness of the animals, including udders, and condition of the milk while milking, and
    - (ii) perform milking operations in a sanitary manner.

### Milking Parlour

#### Milk parlour

4. (1) A milking parlour shall
- (a) where required, be equipped with or have ready access to pressurized hot water that shall provide a minimum starting temperature of 71°C (160°F) and an ending temperature of 43°C (110°F) and a cold running water system having non-detectable levels of *Escherichia coli* bacteria per 100 ml and a maximum of 10 Coliform bacteria per 100 ml, which shall be tested at least once in each calendar year, and that is protected from any source of contamination for the water that comes in contact with milk equipment;
  - (b) be equipped with pipes, hoses and nozzles that are installed and arranged in a manner that permits cleaning of the parlour and equipment;
  - (c) be equipped with an adequate ventilation system to eliminate condensation and odours that may affect the organoleptic characteristics of the milk;
  - (d) be adequately equipped to prevent freezing;
  - (e) be illuminated with a minimum Lux of 110 that permits the person conducting the milking to
    - (i) assess the cleanliness of the animals, including udders, and condition of the milk while milking, and
    - (ii) perform milking operations in a sanitary manner;
  - (f) have walls and ceilings that are
    - (i) covered with hard, smooth, washable, light-coloured, waterproof material, and



	<ul style="list-style-type: none"> <li>(ii) free of indentations, loose scale, pitting and cracks;</li> <li>(g) have the lower portion of the walls, above floor level, constructed of concrete or other impervious material;</li> <li>(h) be kept free of animals other than dairy animals; and</li> <li>(i) be kept free of dairy animals except during milking times.</li> </ul>
Design and maintenance	(2) Doors, windows and all openings leading to the outside must be designed and maintained to minimize the entry of insects, birds, rodents or other pests.
Construction and maintenance	<ul style="list-style-type: none"> <li>(3) The floor, ramps and platforms of a milking parlour shall               <ul style="list-style-type: none"> <li>(a) be constructed of concrete or other impervious material;</li> <li>(b) be free of cracks and crevices;</li> <li>(c) be constructed to allow effective cleaning; and</li> <li>(d) have covered drains, equipped with traps, that are sloped so as to flow into a wastewater drainage system.</li> </ul> </li> </ul>
Milking area	(4) A milking area must meet the requirements of subsection 4(1) (a), (b), (c), (d), (e), (h), (i) and 4(3) (a), (b), (c), (d) and if applicable, the requirements of subsection 4(2).
Automatic milking system	(5) An automatic milking system may only be installed in premises that meet the requirement of subsection 4(1) (a), (b), (c), (d), (e), (g), (h).
Milking area	(6) The milking area and the automatic milking system premises must be separated from the rest of the dairy barn by a holding area with a clean floor free from accumulation of manure.
<b>Milk House</b>	
Milk house use	5. (1) A producer shall have a milk house used exclusively for <ul style="list-style-type: none"> <li>(a) cooling and storing milk; and</li> <li>(b) cleaning, sanitizing, storing materials and equipment used in the production and handling of milk.</li> </ul>
Construction and maintenance	<ul style="list-style-type: none"> <li>(2) A milk house shall           <ul style="list-style-type: none"> <li>(a) be fitted with solid, self-closing, tight-fitting doors that are kept closed when not in use where the milk house enters directly into a milking barn or housing area;</li> <li>(b) be located, constructed and maintained so as to prevent any objectionable odours from entering the milk house; and</li> <li>(c) be accessible from an exterior entry point that does not require travel through animal traffic areas.</li> </ul> </li> </ul>
Idem	<ul style="list-style-type: none"> <li>(3) The floors of a milk house shall           <ul style="list-style-type: none"> <li>(a) be constructed of washable, waterproof material and be sealed at the intersection with the walls;</li> <li>(b) be free of indentations, cracks or crevices;</li> <li>(c) be sloped to covered drains, equipped with traps, to ensure the drainage of wastewater;</li> <li>(d) have a wastewater drainage system; and</li> <li>(e) have a concrete or impervious curb rising above the floor.</li> </ul> </li> </ul>

Milk house  
equipment and  
construction

(4) A milk house shall

(a) be equipped with pressurized hot water that shall provide a minimum starting temperature of 71°C (160°F) and an ending temperature of 43°C (110°F) and a cold running water system having non-detectable levels of *Escherichia Coli* bacteria per 100 ml and a maximum of 10 Coliform bacteria per 100 ml, which shall be tested at least once in each calendar year,

(i) with pipes, hoses and nozzles installed and arranged in a manner that permits cleaning and rinsing of the milk house floor, equipment, and bulk milk tank, and

(ii) that is protected from contamination to the water;

(b) be equipped with an adequate ventilation system to eliminate condensation and odours that may affect the organoleptic characteristics of the milk;

(c) be adequately equipped to prevent freezing;

(d) have sufficient lighting to permit milk handling operations, inspection, cleaning and sanitizing of the premises and equipment;

(e) have walls and ceilings that are

(i) covered with hard, smooth, washable and waterproof material, and

(ii) free of indentations, pitting and cracks;

(f) be kept free of animals; and

Protection of  
lights

(g) be provided with light with a minimum Lux of 110 that is protected by shatterproof covers or coatings so as to prevent breaking glass from falling into milk.

Exterior doors,  
windows and  
openings

(5) Doors, windows and all openings leading to the outside must be designed and maintained to prevent the entry of insects, birds, rodents or other pests.

Contents of  
milk house

(6) A milk house shall contain

(a) a dual-compartment sink with a concave bottom, or a single compartment sink with concave bottom for washing equipment, and a separate sink for washing hands;

(b) the necessary materials for sanitary washing and drying of the hands; and

(c) a cupboard, stands or shelves of non-corrodible material located off the floor to store the materials, and equipment used in the production and handling of milk.

Trapped drains

(7) All sinks referred to in subsection (6) shall be equipped with a trapped drain connected to a wastewater drainage system.

Toilet

(8) Where a milk house is provided with a toilet, the toilet shall not open directly into the milk house working area.

Cleaning  
materials

(9) All cleaning materials used in the production and handling of milk shall be stored in a milk house in a location and manner that will not contaminate the milk.

Toxic products

(10) No pesticides, or other toxic products, other than those that are directly related to the operation of a milk house, shall be stored in a milk house. Those pesticides and toxic products shall be stored and used in a manner that will not contaminate the milk.

Storage of  
veterinary  
drugs

(11) All veterinary drugs and other treatments stored in a milk house shall be kept in a closed cupboard or refrigerator in a manner that prevents contamination of the milk and minimizes the risk of improper use.

Milk house  
design

- (12) A milk house shall be designed in a manner that
- (a) permits the installation of a bulk milk tank having free space around it to allow for the required operations such as inspection, transfer of milk and cleaning; and
  - (b) the ceiling is high enough to permit the inspection and sampling of the milk as well as the reading and complete removal of the gauge or dipstick of the bulk milk tank.

Hose port

- (13) In cases where milk is shipped from the bulk milk tank, a milk house shall be equipped with a hose port that is kept closed when not in use, located in a wall close to the bulk tank outlet through which the hose connecting the bulk milk truck to the bulk milk tank may pass to permit collection.

Exterior  
surfaces and  
equipment

- (14) There shall be
- (a) a hard surface outside the milk house and directly below the hose port, that is connected to the main entrance of the milk house by a sidewalk constructed of hard material, that is large enough and adequately maintained to keep the hose from the bulk milk truck clean;
  - (b) a grounded exterior electrical outlet adjacent to the hose port and controlled by a bipolar switch located on the interior wall of the milk house in a location accessible to the bulk milk grader; and
  - (c) in cases where milk is shipped from the bulk milk tank, a window in the milk house that permits the bulk milk grader to observe the transfer pump compartment of the bulk milk truck's tank from inside the milk house.

Installation  
and operation  
of milk house  
equipment

- (15) When located in a milk house, the refrigeration compressor, vacuum pump of the milking system, water heater and the water pump, shall be installed and operated in a manner that does not contaminate the milk.

Bulk milk tank  
installation

- (16) A bulk milk tank shall be installed in a milk house.

Bulk milk tank  
equipment and use

- (17) A bulk milk tank installed in a milk house shall
- (a) be used exclusively for the storage and cooling of milk;
  - (b) have sufficient cooling and storage capacity in the form of one farm bulk tank to hold the milk between regular scheduled pickups;
  - (c) be equipped with a dipstick or gauge or other measuring device authorized by the Board to permit determination of the volume of milk contained in the tank on the basis of the calibration table bearing the same serial number as the dipstick or gauge and the tank;
  - (d) have mechanical agitation capable of restoring uniformity of all milk constituents throughout the tank without splashing or churning of the milk;
  - (e) not use air agitation;
  - (f) be equipped with intermittent controlled agitation that provides a minimum of 5 minutes of agitation every hour or longer if necessary to keep the milk homogeneous;
  - (g) be suitable for cooling the milk and maintaining it at a temperature greater than 0°C and less than or equal to 4°C;
  - (h) be equipped with a thermometer in working order bearing graduations from at

least 0°C to 50°C and showing the temperature of the milk contained in the tank to within 1°C;

(i) be equipped with an outlet cap; and

(j) be levelled for use with the manufacturer's chart or other chart approved by the Board, or be calibrated when installed, relocated or on evidence that calibration is required.

Tanks extending  
outside milk  
house

(18) When any portion of a tank extends outside the milk house, the following are required:

(a) the manhole, vent and outlet must be located inside the milk house;

(b) the portion of the tank mounted outside the milk house must be in a clean area, which will allow the tank to be maintained in a clean and sanitary manner, and will allow sanitary access to any external agitator mounts during service;

(c) access to all parts of the tank, except for the bulk-headed wall, must be maintained to allow inspection for cracks;

(d) if a portion of the tank is outdoors it must be protected from animals and vehicles by design or barrier and the motors and agitator shafts must be properly protected with appropriate weatherproof installations;

(e) the tank leg supports must be sufficiently mounted to prevent torsion and cracking in the tank;

(f) the tank must not be used for a wall or ceiling support; and

(g) the walls shall be tightly sealed with a gasket around the tank where the tank is bulk headed.

Emptying,  
cleaning and  
sanitizing of bulk  
milk tanks

(19) A bulk milk tank shall be

(a) emptied at least once every two days for cow milk, unless approval for a longer period is granted by the Board; and

(b) cleaned and sanitized following each transfer of milk to the bulk milk truck.

Temperature  
of milk

(20) The milk contained in the bulk milk tank or in other facilities shall be maintained at a temperature greater than 0°C and less than or equal to 4°C until collection.

*Idem*

(21) The temperature prescribed for milk in subsection (20) shall be achieved in the following manner:

(a) the first milking placed in the bulk milk tank shall be cooled to 10°C or less within one hour, and further cooled to a temperature of greater than 0°C and less than or equal to 4°C within two hours after milking;

(b) when subsequent milkings enter the tank, the blend temperature shall not rise above 10°C and milk shall be cooled to a temperature of greater than 0°C and less than or equal to 4°C within one hour after milking;

(c) in the case of an AMS

*Idem*

(i) The temperature must be greater than 0°C and less than or equal to 4°C within 2 hours from the start of milk harvest (i.e. from the moment milk is diverted to the buffer or storage tank). (The 2-hour delay includes the time that milk is in the buffer or storage tank.), and

(i) The blend temperature must not ever go above 4°C for longer than 15 consecutive minutes.

- Idem* (22) The blend temperature must not ever go above 4°C for longer than 15 consecutive minutes.
- Alternative storage temperature (23) Alternative storage temperature regimes for raw milk used in the manufacture of specialty products may be approved where necessary, by the Board, in consultation with the Department of Health and Wellness, as long as health and safety standards are maintained.

### **Milk Handling Equipment**

Milk handling equipment

6. All equipment used for the purpose of collecting, cooling, holding, storing and transferring milk shall
- (a) be used only for that purpose;
  - (b) be maintained in working order; and
  - (c) have surfaces that come into contact with milk which are
    - (i) constructed of non-corrodible materials,
    - (ii) smooth and free of cavities, open seams and loose particles,
    - (iii) non-toxic and resistant to damage from cleansers and sanitizers, and
    - (iv) unaffected by milk and which do not adversely affect the quality of the milk.

## **PART III HYGIENE DURING MILKING**

Hygiene of premises, materials and equipment

7. (1) The premises, materials and equipment of the dairy barn, milking parlour and milk house shall be kept clean and maintained in good repair and operational condition which shall be evaluated at least annually by an inspector.

Personal Hygiene

- (2) A person who is milking shall
- (a) ensure their hands are clean at all times by washing their hands and drying them with single service towels before the start of milking, and any time hands are soiled;
  - (b) have clean clothing; and
  - (c) in a case where the person has an open lesion, wear a waterproof dressing that prevents contamination of the milk.

No wet hand milking

- (3) In the case of hand milking, a person shall not engage in wet hand milking.

Infections and communicable diseases

- (4) No person infected with or carrying any communicable disease that may be transmitted through the milk, shall work in a capacity that involves the production, handling, storage or transportation of raw milk.

Pre-milking procedures

- (5) Prior to milking, a person shall
- (a) ensure that the sides, flanks, udder and belly of the animal are clean;
  - (b) clean and sanitize the teats with a product approved for udder hygiene and dry them hygienically;
  - (c) examine the first stream of milk from each teat and discard it in a manner that prevents contamination of the milking area; and
  - (d) discard any abnormal milk that is collected.

Automatic milking procedures	(6) In cases where milking is performed by an automated milking system, the producer and/or operator must ensure that the animals are clean and that the system will <ul style="list-style-type: none"> <li>(a) clean and sanitize the teats and discard the first milk streams; and</li> <li>(b) detect and discard abnormal milk.</li> </ul>
Sanitation after milking	(7) The person who is milking shall, immediately after removing the milking machine, sanitize the teats with a teat dip solution approved for that purpose under the Food and Drugs Act (Canada).
Changing or distribution of bedding	(8) Bedding shall not be changed or disturbed while milking is performed in the dairy barn.
Removal of liquid manure	(9) Subject to subsection (10) solid and liquid manure shall be removed daily from the dairy milking barn.
Accumulation of manure in loose housing	(10) Manure may be permitted to accumulate in a loose housing barn provided there is sufficient bedding to ensure a clean, dry rest area for the dairy animals.
Filtration of milk	(11) All milk shall be filtered prior to storage and a new filter shall be installed prior to milking.
Milking other species prohibited	(12) Milking any species of animal in a dairy barn, other than a dairy animal as described in this order, is prohibited.
Cleaning, sanitization and storage of milking equipment	(13) Equipment that comes into contact with the milk during milking shall <ul style="list-style-type: none"> <li>(a) be rinsed, washed with a detergent and an acid compound, rinsed and drained within one hour after use;</li> <li>(b) when not in use, be stored in a manner that prevents contamination; and</li> <li>(c) be sanitized and drained immediately before use.</li> </ul>
Milk equipment sanitation procedures	(14) A producer shall have procedures for the milking equipment sanitation program accessible in the milk house and ensure that they are followed.
Acceptable cleaning agents, etc.	(15) A person shall only use a cleaning agent, sanitizer or pesticide that meets the standards established by the Food and Drugs Act or the Pest Control Products Act or that is in the reference listing of accepted construction materials, packaging materials and non-food chemical products published by the CFIA and available through the Internet ( <a href="http://www.inspection.gc.ca">http://www.inspection.gc.ca</a> ).
Storage of acceptable cleaning agents, etc.	(16) All detergents, sanitizers, insecticides, pesticides and other pest control products shall be kept in their original labelled containers or kept in containers that are labelled to ensure easy identification of the type of products that they contain.

**PART IV**  
**ANIMAL HEALTH REQUIREMENTS FOR RAW MILK PRODUCTION**

Separation of  
non-dairy  
animals

8. (1) A dairy barn shall be used only to house dairy animals being kept for the purposes of milking. Bovine, caprine and equine animals may be housed in the dairy barn provided they are housed in a separate area according to their species.

Sale of milk  
from diseased  
animals

(2) No producer shall sell or offer for sale milk that is obtained from a dairy animal that shows evidence or other visible signs of disease transmissible to humans by milk; or that adversely affects the quality or flavour of the milk.

Segregation of  
dairy animals

(3) Dairy cows shall be kept in separate closed sections when other species of animals are maintained in the same operation.

Acceptable  
drugs and drug  
products

(4) Only drugs or products approved for administration to dairy animals under the Food and Drugs Act (Canada), the Feeds Act (Canada), the Pest Control Products Act (Canada), the Canada Agricultural Products Act and any applicable provincial legislation, may be administered to a dairy animal. Medications, drugs and products must be administered as prescribed by a veterinarian or if the medication is authorized for sale without a prescription, it must be administered as directed by the manufacturer's instructions on the label.

Identification of  
treated animals

(5) A producer shall clearly identify treated dairy animals that require milk to be withheld and maintain a record of all veterinary drug use.

Housing of  
calves

(6) Calves shall be kept in separate pens or box stalls when housed in the same facility as the milking herd.

**PART V**  
**HANDLING AND TRANSPORT OF BULK MILK**

**Licenses and Certificates**

License required  
to transport raw  
milk or operate a  
tank truck

9. (1) No person shall transport raw milk or operate a transport vehicle in Prince Edward Island for the purpose of transporting raw milk without being the holder of the appropriate license from the Board.

Entitlement to  
license and fees

- (2) A transporter of bulk milk and a transport vehicle operator who holds a valid bulk milk graders certificate and complies with the provisions of this order, and continues to do so, shall be entitled to an appropriate license from the Board upon payment of the appropriate license fee;
- (a) in the case of a transporter of bulk milk, the license fee shall be twenty-five dollars per calendar year;
  - (b) in the case of a transport vehicle operator/bulk milk grader, the license fee shall be ten dollars per calendar year.

Issuance of license	(3) The licences specified in subsection (1) may be <ul style="list-style-type: none"> <li>(a) issued by the Board without application by the prospective licensee; and</li> <li>(b) made subject to any terms and conditions the Board considers appropriate.</li> </ul>
Suspension or revocation of license	(4) The Board may suspend or revoke, or refuse to issue or renew a license for failure to provide or perform the licensed service or, for failure to observe, perform or carry out the provisions of the Act or Orders of the Board.
Form of license	(5) All licenses shall be issued by the Board on a form provided by the Board.
Course for bulk milk graders	10. (1) All bulk milk graders must attend an approved course, or refresher course, and obtain a milk graders certificate, from an accredited institution as often as the Board considers necessary, on the grading and collection of milk from a farm bulk tank.
Provisional milk graders license	(2) The Board may issue provisional bulk milk grader's licenses to persons engaged in the collection and transportation of bulk milk who have not completed an approved course on the grading and collection of milk from farm bulk tanks.
Previous Certificate	(3) A provisional bulk milk grader's license shall not be issued to any person who has previously held such a license.
Duration	(4) A provisional bulk milk grader's license shall expire on the date specified thereon as the expiry date.
<i>Idem</i>	(5) Persons issued with provisional bulk milk grader's license shall be subject to such monitoring, instruction and further training as the Board may consider necessary.
Collection of milk	(6) No person shall collect milk from a bulk milk tank unless he is the holder of a valid transport vehicle operator/ bulk milk grader's license, or a valid tank truck operators/ provisional bulk milk grader's license issued by the Board.
Requirement to carry license	(7) The license shall be carried by the individual when engaged in grading, collection and transportation of milk.
Form	(8) Licenses shall be issued by the Board on a form provided by the Board.
Training program	(9) Any person who performs the duties of a bulk milk grader under this Order shall have completed and passed a training program designed specifically for that purpose, and approved by the Board, at least every three years.
Authorization	(10) A person who grades or collects milk, operates a transport vehicle or bulk milk transfer depot, or performs other duties related to the grading, or transporting of milk must be authorized to do so by the Board.
Clothing and personal hygiene	(11) A bulk milk grader shall <ul style="list-style-type: none"> <li>(a) wear clean clothing while performing any activities, duties or functions under this order;</li> </ul>



	<ul style="list-style-type: none"> <li>(b) wear a waterproof dressing over any open lesion that prevents contamination of the milk; and</li> <li>(c) not enter the animal housing areas.</li> </ul>
Transfer of milk	<p>(12) A bulk milk grader shall not transfer milk from a bulk milk tank where</p> <ul style="list-style-type: none"> <li>(a) the milk in the tank has been placed under detention by the Board; or</li> <li>(b) the producer has been prohibited from shipping milk by the Board.</li> </ul>
Collecting milk	<p>(13) A bulk milk grader, when collecting milk from the bulk milk tank, shall</p> <ul style="list-style-type: none"> <li>(a) use the hose port;</li> <li>(b) ensure that their hands are clean before handling or touching equipment;</li> <li>(c) accept or reject the milk contained in the bulk milk tank on the basis of its flavour, appearance, odour, temperature or other abnormalities;</li> <li>(d) measure the volume of milk contained in the producer's bulk milk tank;</li> <li>(e) draw a representative sample of milk in an aseptic manner <ul style="list-style-type: none"> <li>(i) by means of the mechanical sampler on the bulk milk truck,</li> <li>(ii) directly from the producer's bulk milk tank; using a pipette, sanitized dipper rinsed in the milk prior to sampling or other sanitary sampling device, following agitation of the milk contained in the tank for at least 5 minutes or as otherwise authorized by the Board to assure uniformity of the milk, or</li> <li>(iii) as otherwise prescribed by the Board;</li> </ul> </li> <li>(f) maintain all samples at a temperature greater than 0°C and less than or equal to 4°C and deliver them to the responsible person at the dairy plant or other designated area;</li> <li>(g) record on a collection report all information required by the dairy plant, Board or milk marketing agency; and</li> <li>(h) following transfer of the milk to the bulk milk truck, disconnect the hose, and rinse the interior surfaces of the bulk milk tank with lukewarm or cold water.</li> </ul>
Unacceptable milk	<p>(14) The bulk milk grader shall leave the milk in the bulk milk tank, where the milk in the tank,</p> <ul style="list-style-type: none"> <li>(a) is abnormal in odour;</li> <li>(b) is abnormal in flavour;</li> <li>(c) contains objectionable matter or other physical defects or abnormality;</li> <li>(d) is abnormal in temperature;</li> <li>(e) would, if transferred to the bulk milk truck, have a detrimental effect on the milk in the bulk milk truck or on subsequent transfers of milk;</li> <li>(f) is otherwise not of good quality; or</li> <li>(g) cannot be sampled.</li> </ul>
Written notice	<p>(15) The bulk milk grader shall, following taking the action referred to in subsection (14), issue a written rejection notice to the producer detailing the reason for the rejection, or any other information required by the Board, and as soon as possible thereafter inform the dairy plant, who shall inform the Board of this action.</p>
Rejected milk	<p>(16) A bulk milk tank containing rejected milk, as per subsection (14), must be identified with a rejection notice such that the milk will not be used for human consumption and the milk shall be disposed of in an acceptable manner.</p>
Corrective Action	<p>(17) When a bulk milk grader rejects milk, the Board shall determine whether action has been taken by the producer to correct the reason for the rejection before future milk production is picked up.</p>

**Transport Vehicles**

Use of  
equipment

11.(1) Bulk milk trucks shall be used exclusively for the transportation of milk, dairy by-products or potable water unless otherwise authorized by the Board.

Protection from  
contamination

(2) A vehicle used to transport milk in containers must be equipped to protect the milk and the containers against any source of contamination. It must also be capable of preventing the temperature of milk from rising above 6°C until it is delivered to the dairy plant.

Bulk milk truck  
contact surfaces

(3) Bulk milk trucks shall have milk contact surfaces that are

- (a) constructed of corrosion resistant materials;
- (b) smooth and free of cavities, open seams and loose particles;
- (c) non-toxic and resistant to damage from cleansers and sanitizers;
- (d) unaffected by milk and which do not adversely affect the quality of the milk; and
- (e) readily washable.

Temperature  
and spray balls

(4) The tank of a transport vehicle shall be

- (a) constructed in a manner such that the temperature of the milk cannot rise more than 2°C in 24 hours; and
- (b) designed and equipped with a sufficient number of spray balls to allow for proper cleaning.

Washing and  
sanitization

(5) When in use, the tank and accessories of the transport vehicle shall be washed and sanitized at least once per day in a manner that prevents contamination of the milk.

Storage  
compartment

(6) A transport vehicle shall be equipped with a compartment to store hose, pump and any equipment used in the transfer of milk to protect them from any source of contamination.

**Milk Transfer Depots**

Transfer  
depots

12.(1) Transfer depots shall

- (a) be constructed and maintained to prevent risk of contamination to the milk during the transfer process;
- (b) provide hot and cold pressurized water having non-detectable levels of *Escherichia Coli* bacteria per 100 ml. and a maximum of 10 coliform bacteria per 100 ml, to permit the proper sanitizing of the bulk milk truck and equipment;
- (c) provide sanitary storage space for equipment used in the transfer of milk; and
- (d) be maintained free of pests.

Storage of  
pesticides,  
sanitizers and  
other products

(2) Pesticides, sanitizers and any other products used in the operation of a transfer depot shall be used and stored in a manner that will not cause contamination of the milk or milk transfer equipment.

Approved transfer  
depots and dairy  
plants

(3) Milk transfers shall only take place in an approved transfer depot or a dairy plant unless authorized by the Board.

Transfers from  
one truck to  
another truck

- (4) Transfers of milk from one bulk milk truck to another shall be conducted using a hose connected to a truck valve at both ends.

## PART VI CRITERIA FOR RAW MILK

Raw milk  
standards

- 13.(1) Raw milk must meet the standards set out in Table 1 to this order.

Validation  
methods

- (2) Only approved validated methods which conform to the handling, procedural, and quality control parameters described in the most recently published “Standard Methods for the Examination of Dairy Products” approved by the American Public Health Association, the “Official Methods of Analysis of the Association of Official Analytical Chemists”, any method recognized by the International Dairy Federation/International Standards Organization (ISO), or any other method approved by the Board shall be used for the analysis of milk.

Unacceptable  
milk

- (3) Milk shall not be sold that
- (a) comes from an animal 15 days prior to and 3 days after parturition, or such longer period that is necessary to assure that the milk is free of colostrum;
  - (b) contains blood or other foreign particles;
  - (c) is watery or coagulated;
  - (d) has odours or flavours that adversely affect its organoleptic characteristics; and
  - (e) is contaminated by chemical, toxin, drug or any other foreign substance.

Testing of milk  
samples

- (4) Milk samples taken from producers shall be tested
- (a) for somatic cells at least once during each week of each calendar month, which tests results shall be averaged using a geometric mean to determine the official laboratory test result for that calendar month;
  - (b) for bacteria twice during each pay period, except that two tests shall not be conducted during the same week;
  - (c) for added water once per month; and
  - (d) for inhibitors as provided for in S. 14(19) & ( 21).

Recognized  
testing methods

- (5) Raw milk samples, obtained for the purposes of this Order, shall be tested using recognized methods in an accredited laboratory as designated by the Board.

Detention of  
milk with  
inhibitors

- (6) Where milk of a producer tested under subsection 13(4) is found to contain an inhibitor, an inspector shall place under detention all milk of the producer.

Testing for  
inhibitors

- (7) If the milk of a producer is placed under detention under subsection (6), an inspector shall collect and have tested the necessary samples of milk by an official method in order to determine if the sample contains an inhibitor.

Reporting  
inhibitor testing

- (8) The results of the testing of a sample under subsection (6) shall be made known to the producer by the Board within twenty-four hours of the time the milk was placed under detention.

Release from  
detention

(9) Where the testing of a sample under subsection (7) shows that the milk does not contain an inhibitor, the inspector shall release the milk from detention.

Notification  
and steps

(10) Where the testing of a sample under subsection (7) shows the presence of an inhibitor, the inspector shall:

(a) notify the Board and the dairy plant that the milk from which the sample was taken shall not be marketed;

(b) take such steps and make such orders as are considered necessary to ensure that such milk is not used for food, or in the preparation of food, for human consumption; and

(c) maintain the detention, sampling and testing of the milk of the producer until such time as the testing shows that the milk does not contain an inhibitor.

Notification to  
transport vehicle  
operator

(11) Upon receiving notice under subsection (10), the Board shall notify the dairy plant or the transport vehicle operator that the milk from which the sample was taken shall not be marketed.

## PART VII VIOLATIONS AND PENALTIES

Violation

14. (1) In this section “violation” means a failure to comply with the requirements of this section in the appropriate period during any rolling twelve-month period.

Milk analysis

(2) The Board shall require the analysis of milk from every milk producer and, where analysis reveals the milk examined does not meet the standards set out in this order, shall inform the milk producer.

Form of  
analysis

(3) The analyses shall include testing for bacteria, somatic cells, adulteration, inhibitors and such other analyses as the Board considers necessary.

Milk exceeding  
standards

(4) No milk producer shall sell or offer for sale milk that exceeds the standards set out in Table 1, hereinafter referred to as the standards.

Determination  
of somatic cell  
count

(5) For the purpose of determining a producer’s somatic cell count, a rolling three month geometric mean of the producer’s official monthly somatic cell count tests shall be used.

Determination  
of bacteria  
count

(6) For the purpose of determining a producer’s bacteria count, the results of a bacteria analysis performed by an automated bacteria analysis machine (Bactoscan) shall be used.

Somatic cell  
count violation

(7) A somatic cell count violation occurs if the somatic cell count determined in accordance with subsection 14.(5) exceeds the somatic cell count standard set out in Table 1 to this Order.

Bacteria  
violation

(8) A bacteria violation occurs if the bacteria count determined in accordance with subsection 14.(6) exceeds the bacteria standard set out in this order in two successive bacteria tests. The results of any test shall not be used in determining more than one violation.

Bacteria count  
history

(9) Effective 1 August 2012, the rolling twelve-month bacteria count history starts at zero for all producers.

Somatic cell  
count transition

(10) From 1 August 2012 until 30 September 2012, the rolling three-month geometric mean used to calculate a producer's somatic cell count violation shall be based on the maximum somatic cells per ml allowed up to and including July 2012, as set out in Table 1 to this Order.

Somatic cell  
count limit

(11) Commencing with the month of October 2012, the rolling three-month geometric mean used to calculate a producer's somatic cell count violation shall be based on the maximum somatic cells per ml allowed as of 1 August 2012, as set out in Table 1.

Somatic cell  
count violations  
and penalties

(12) A milk producer whose rolling three-month geometric mean somatic cell count test exceeds the standard set out in Table 1 during a rolling twelve-month period shall be penalized by the Board on all the producer's milk shipments made during that month as follows:

- (a) first violation during a rolling twelve-month period: \$5.00 per hl;
- (b) second violation during a rolling twelve-month period: \$10.00 per hl;
- (c) third violation during a rolling twelve-month period: \$15.00 per hl, plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days, which may be extended if the producer's milk fails to meet any standard or if the producer has failed to take action to prevent recurrence of the violation;
- (d) fourth and subsequent violation during a rolling twelve-month period \$20.00 per hl, plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period.

Bacteria count  
violations and  
penalties - transition

(13) For the period 1 August 2012 to 31 January 2013 a milk producer whose milk exceeds the bacteria standard shall be penalized by the Board on all the producer's milk shipments made during the pay period in which the violation occurs:

- (a) first violation during a rolling twelve-month period: \$3.00 per hl;
- (b) second violation during a rolling twelve-month period: \$5.00 per hl;
- (c) third violation during a rolling twelve-month period: \$10.00 per hl;
- (d) fourth violation during a rolling twelve-month period: \$15.00 per hl, plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days, which may be extended if the producer's milk fails to meet any standard or if the producer has failed to take action to prevent recurrence of the violation; and
- (e) fifth and subsequent violation during a rolling twelve-month period: \$20.00 per hl, plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period of time.

Bacteria count  
violations and  
penalties

(14) Effective 1 February 2013 a milk producer whose milk exceeds the bacteria standard shall be penalized by the Board on all the producer's milk shipments made during the pay

Inhibitor  
violations and  
penalties

period in which the violation occurs

- (a) first violation during a rolling twelve-month period: \$5 per hl;
- (b) second violation during a rolling twelve-month period: \$10.00 per hl;
- (c) third violation during a rolling twelve-month period: \$15.00 per hl, plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days, which may be extended if the producer's milk fails to meet any standard or if the producer has failed to take action to prevent recurrence of the violation; and
- (d) fourth and subsequent violation during a rolling twelve-month period: \$20.00 per hl, plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period of time.

Milk containing  
added water

(15) A milk producer whose milk is found to contain inhibitors on a test conducted during a pay period shall be penalized by the Board on all the producer's milk shipments made during that pay period as follows:

- (a) first violation during a rolling twelve-month period: \$5.00 per hl;
- (b) second violation during a rolling twelve-month period: \$10.00 per hl;
- (c) third violation during a rolling twelve-month period: \$15.00 per hl, plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days, which may be extended if the producer's milk fails to meet any standard or if the producer has failed to take action to prevent recurrence of the violation; and
- (d) fourth and subsequent violation during a twelve-month period: \$20.00 per hl, plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period of time.

Reinstatement

(16) A milk producer whose milk is found to contain added water during a pay period shall be penalized by the Board on all his milk shipments in that pay period as follows:

- (a) first violation during a rolling twelve-month period: \$5.00 per hl;
- (b) second violation during a rolling twelve-month period: \$10.00 per hl;
- (c) third violation during a rolling twelve-month period: \$15.00 per hl, plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days;
- (d) fourth and subsequent violation during a twelve-month period: \$20.00 per hl plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period of time.

Testing bulk  
loads for  
inhibitors

(17) A producer who has reached violations as indicated in subsections (12)(d), (13)(e), (14)(d), (15)(d) or (16)(d) shall not be reinstated for shipping milk until a sample of the producer's milk taken by an inspector is tested and found to meet all standards required in this Order and the producer has demonstrated to the Production Standards Committee that he has taken appropriate action to prevent recurrence of the violations in the future.

(18) All bulk loads of milk shall be tested for inhibitors by the receiving dairy plant before the milk is unloaded. In the case where a transport vehicle has multiple storage compartments all compartments shall be tested.

Bulk loads of  
milk containing  
inhibitors

- (19) Where a bulk load or compartment on a load of milk tests positive for inhibitors by a dairy plant, the dairy plant shall
- (a) reject the milk;
  - (b) advise the Board and the laboratory that the load tested positive for inhibitors; and
  - (c) immediately provide the laboratory with
    - (i) the remainder of the milk sample taken from the bulk milk load that tested positive for inhibitors, and
    - (ii) a sample of milk taken from each producer's farm bulk milk tank contained in the bulk load of milk that tested positive for inhibitors.

Disposal of milk  
containing  
inhibitors

- (20) Milk that tests positive for inhibitors shall not be used for human consumption and the milk shall be disposed of in an acceptable manner.

Confirmatory  
tests for  
inhibitors

- (21) The laboratory shall conduct tests from the remainder of the bulk milk load/compartment sample that tested positive for inhibitors and the individual producer samples contained in the load/compartment, using an approved test method, to confirm the presence of inhibitors and to identify the milk producer(s) whose milk contains inhibitors.

Action upon  
confirmation of  
presence of inhibitors

- (22) Where the samples of one or more producers whose milk is on the bulk milk load test positive for inhibitors, the receiving plant and Board shall be notified and those producer(s) whose test(s) is (are) positive shall not be paid for their milk on the load and they shall be financially responsible for the value of other producer's milk on the load plus transportation costs and disposal costs on a pro-rata basis.

Negative bulk  
milk loads

- (23) Where the bulk milk load sample test and producer samples test negative for inhibitors, the laboratory shall advise the dairy plant and the Board.

Notice to the  
Board

- (24) The laboratory shall provide the Board with the names of producers who have exceeded any standards set out in Table 1 on the day the test is read.

Notice to  
producers

- (25) The Board shall notify producers when test results exceeds a standard, the rate of any penalty being deducted and the reason for the deductions by telephone, fax or email within one business day of receiving the information from the laboratory. The Board shall send the producer a written confirmation of the test results by ordinary mail within two business days of receiving the test results from the laboratory.

Standards,  
facilities, etc.

- (26) All milk producers are responsible for ensuring their farm, facilities, dairy animals and production procedures meet the standards as outlined in this Order.

*Idem*

- (27) A milk producer who fails to comply with this order respecting farm facilities, dairy animals and production procedures, may be penalized by the Board or may be prohibited by the Board from selling milk until such time as the farm facilities, dairy animals and production procedures meet the standards outlined in this Order.

Violations and  
penalties for  
failure to meet  
standards

(28) A milk producer who is found to be in violation of subsection (27) shall be penalized by the Board on all his milk shipments during the pay period in which the violation occurred, as follows:

- (a) first violation during a rolling twelve-month period: \$5.00 per hl;
- (b) second violation during a rolling twelve-month period: \$10.00 per hl;
- (c) third violation during a rolling twelve-month period: \$15.00 per hl plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days, which may be extended if the producer fails to demonstrate to the Production Standards Committee that appropriate action has been taken to correct the shortcomings identified in the inspection and prevent their recurrence;
- (d) fourth and subsequent violation during a rolling twelve-month period: \$20.00 per hl plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period of time.

Reinstatement

(29) Notwithstanding subsection (28)(c) and (d), a producer shall not be reinstated for shipping milk until the inspector is satisfied that the producer's premises meets the minimum farm premises standards and the producer has demonstrated to the Production Standards Committee that he has taken appropriate action to prevent recurrence of the violations in the future.

Inspection

(30) Dairy farms will be subject to regular inspections, by the Board, as often as considered necessary by the Board, but not less than once in each calendar year.

Special inspections  
for food or animal  
safety risk

(31) Notwithstanding subsection (30), the Board may, based on observations or a request from the purchaser of a producer's milk, direct an inspector to conduct an inspection of a producer's premises if the Board believes conditions on the producer's farm may pose a food or animal safety risk.

Prohibition of  
sale

(32) A milk producer who refuses to admit an inspector to the dairy farm for the purpose of conducting an inspection or follow up inspection; who is in violation of the Act, this Order or any other DFPEI Order; or who has sold or offered for sale milk which does not meet the standards outlined in this Order may, upon notice from the Board, be prohibited from selling or offering milk for sale until such time as an inspection of the dairy farm is completed and evidence is furnished to the satisfaction of the Board that the milk of the producer and the facilities in which the milk is produced meet the standards as set out in the Act, this Order and other DFPEI Orders.

Notice

(33) The Board shall advise the producer who has been prohibited from selling or offering milk for sale, and the purchasing agency, when a producer has been prohibited from selling or offering milk for sale or when a producer's milk has been placed under detention by the Board on the day the prohibition or detention occurs.

*Idem*

(34) It is the responsibility of the purchasing agency to advise the transporter when the Board prohibits a producer from selling or offering milk for sale or when a producer's milk has been placed under detention on the day the prohibition or detention occurs.



Compliance (35) No person shall supply, sell or offer for sale milk except in accordance with this Order.

Examination of  
milk at dairy  
manufacturing  
plant

(36) It shall be the responsibility of the dairy plant, before transferring any milk from a transport vehicle to the dairy plant, to examine the milk on the transport vehicle for flavour, odour, abnormalities, foreign matter and to ensure the temperature of the milk has not risen above 6°C before manufacturing, processing or mixing with other milk, to examine and test the milk from the transport vehicle for the presence of inhibitors or any evidence of other treatments and then accept or reject the milk on the basis of the examinations and tests.

## PART VIII

### Farm Premises and Equipment Inspections

Dairy Farm  
Inspection  
Manual

15.(1) An inspector shall inspect dairy farms in accordance with the Inspection Procedures Manual & Interpretive Guidelines. Copies of this manual shall be available to all producers from DFPEI.

Dairy Farm  
Inspection  
Report

(2) An inspector shall record the results of an inspection on a Dairy Farm Inspection Report. Blank copies of this report sheet shall be available to all producers from DFPEI.

Delivery of  
completed dairy  
farm inspection  
report

(3) An inspector shall hand deliver a copy of the completed inspection report to the producer, if the producer is available, or leave a copy of the inspection report for the producer in a sealed envelope located where the bulk milk pickup information is maintained in the producer's milk house on the day the inspection is completed.

Review of  
previous reports

(4) When inspecting a dairy farm, the inspector shall review previous inspection reports to ensure compliance with previous directions. An item that was scored as a minor deficiency in a previous Dairy Farm Inspection Report and has not been corrected within the period specified in that report shall be deemed a major deficiency.

Deficiencies  
related to health  
and safety

(5) An inspector shall determine if any deficiencies identified on the Dairy Farm Inspection Report are serious enough to pose a threat to food safety, human health, or animal safety, and if one or more such deficiencies are identified shall immediately prohibit the producer from selling or offering milk for sale until such time as all those deficiencies are corrected.

Major and  
minor deficiencies

(6) An inspector shall indicate if any identified deficiencies are major or minor in nature, as defined in this Order.

Major deficiencies  
in red items

(7) When an inspector identifies a major deficiency on an item printed in red in the Dairy Farm Inspection Report, the inspector shall direct the producer to correct the deficiency not later than two calendar days from the date of inspection. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection Report.

Minor deficiencies  
in red items

(8) When an inspector identifies a minor deficiency on items printed in red in the Dairy Farm Inspection Report, the inspector shall direct the producer to correct the deficiency not later than seven days from the date of inspection. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection report.

Extensions

(9) The Board may extend the time period set out in subsection (7) and (8), provided the Board is satisfied that the indicated corrective action requires extended time or replacement parts that are not available within the time period specified, and that the items identified do not pose an immediate risk to food safety, human health, or animal safety. However, if all deficiencies identified in accordance with subsections (7) and (8) are not corrected within thirty days from the date of inspection, the producer shall appear before the Production Standards Committee to determine if the producer is taking appropriate action to correct the deficiencies and if additional time should be granted for corrective actions.

Failure to correct  
deficiencies

(10) A producer who fails to correct deficiencies recorded on a Dairy Farm Inspection Report within the periods set out in subsection (7), (8) or (9) shall:

- (a) be deemed to have failed a dairy farm inspection;
- (b) be suspended from selling or offering milk for sale until all deficiencies are corrected; and
- (c) shall pay re-inspection fees of \$125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

Major deficiencies  
in black items

(11) When an inspector identifies a major deficiency in any items printed in black on the Dairy Farm Inspection Report, the inspector shall direct the producer to correct the deficiency not later than seven days from the date of inspection. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection Report.

Minor deficiencies  
in black items

(12) When an inspector identifies more than five minor deficiencies in items printed in black in the Dairy Farm Inspection Report, the inspector shall direct the producer to correct the deficiencies sufficiently to comply with subsection (13) not later than thirty days from the date of inspection. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection report.

Acceptable minor  
deficiencies

(13) When an inspector identifies five or fewer minor deficiencies on items printed in black contained in the Dairy Farm Inspection Report, the inspector shall direct the producer to correct those deficiencies prior to the next annual inspection, as stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection report. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection Report.

Extensions

(14) The Board may extend the time period set out in subsections (11) and (12), provided the Board is satisfied that the corrective action requires extended time or replacement parts that are not available within the time period and the deficiencies specified do not pose an immediate risk to food safety, human health, or animal safety. However, if deficiencies recorded in accordance with subsections (11) and (12) are not corrected within a maximum of sixty days from the date of inspection, the producer shall appear before the Production Standards Committee to determine if the producer is taking appropriate action to correct the deficiencies and to evaluate if additional time for corrective action may be granted.

Failure to  
correct  
deficiencies

(15) A producer who fails to correct items contained in the Dairy Farm Inspection Report within the period set out in subsections (11), (12), or (14) shall:

- (a) be deemed to have failed a dairy farm inspection;
- (b) be suspended from selling or offering milk for sale until all deficiencies are corrected; and
- (c) shall pay re-inspection fees of \$125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

Demerit points

(16) An inspector may assign demerit points for certain items listed in the Dairy Farm Inspection Report. A producer shall not exceed ten demerit points on a Dairy Farm Inspection Report.

Failure to  
correct  
deficiencies

(17) When an inspector identifies deficiencies resulting in the accumulation of more than ten demerit points on a Dairy Farm Inspection Report, the inspector shall direct the producer to correct the deficiencies within thirty days of inspection. If a re-inspection indicates that the producer has corrected enough demerit items to score less than ten demerit points he shall be deemed to have complied with the inspector's direction.

Extensions

(18) The Board may extend the time period set out in subsection (17), provided the Board is satisfied that completion of the corrective action(s) requires extended time or replacement parts that are not available within the time period specified. However, if deficiencies are not corrected as outlined in subsection (17) within sixty days from the date of inspection, the producer shall appear before the Production Standards Committee to determine if the producer is taking appropriate actions to correct the deficiencies and if additional time may be granted to complete the corrective actions.

Failure to correct  
deficiencies

(19) A producer who fails to correct items contained in the Dairy Farm Inspection Report within the period set out in subsections (17) or (18) shall:

- (a) be deemed to have failed a dairy farm inspection;
- (b) be suspended from selling or offering milk for sale until all deficiencies are corrected; and
- (c) shall pay re-inspection fees of \$125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

## PART IX

### Bulk Milk Transportation Inspection

Use of inspection  
report

16.(1) An inspector shall use a copy of the Bulk Milk Transportation Inspection Report to record the results of an inspection carried out on the items described in the Bulk Milk Transport and Bulk Milk Grader Inspection Procedures Manual.

Delivery of  
reports

(2) An inspector shall hand deliver a copy of the completed Bulk Milk Transportation Inspection Report to the bulk milk grader operating the transport vehicle on the day the inspection is completed.

*Idem*

(3) An inspector shall send by ordinary mail a copy of the completed Bulk Milk Transportation Inspection Report to the owner of the bulk milk transportation company no later than the day after the inspection is completed.

Correction of  
bulk milk grader  
red unsatisfactory  
items

(4) If any item printed in red in Sections 1 (Milk Samples), 2 (General Procedures and Routine) or 3 (Seals and Log Book) of the Bulk Milk Transportation Inspection Report is scored as Unsatisfactory (U) the bulk milk grader shall immediately correct the deficiency.

Failure of bulk  
milk grader to  
correct red  
unsatisfactory  
items

(5) A bulk milk grader who fails to correct a deficiency as determined in subsection (4) within one working day shall:

(a) be suspended from picking up bulk milk from dairy farms by the Board until such time as the Board is satisfied that the bulk milk grader has corrected all the deficiencies;

(b) undergo refresher training by accompanying another licensed bulk milk grader for a period of one working day involving milk pick up from dairy farms;

(c) requalify for a bulk milk grader's license by attending and successfully completing a bulk milk grader's refresher course described in S. 10(1) at the next opportunity;

(d) have the owner of the bulk milk transportation company pay re-inspection fees of \$125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

Correction of  
transport vehicles  
red unsatisfactory  
items

(6) A bulk milk grader who receives Unsatisfactory (U) on any items printed in black in Sections 2 (General Procedures and Routine) or 3 (Seals and Log Book), of the Bulk Milk Transportation Inspection Report shall correct the deficiencies in seven days from the date of the inspection. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Bulk Milk Transportation Inspection Report.

Failure to correct  
bulk milk grader  
black unsatisfactory  
items

(7) A bulk milk grader who fails to correct Unsatisfactory (U) item as outlined in subsection (6) within seven days shall:

(a) be suspended from picking up bulk milk from dairy farms by the Board until such time as the Board is satisfied that the bulk milk grader has corrected all the deficiencies;

(b) accompany another licensed bulk milk grader for a period of one working day involving milk pick up from dairy farms;

(c) attend and successfully complete a bulk milk grader's refresher course described in S. 10(1) at the next opportunity;

(d) have the owner of the bulk milk transportation company pay re-inspection fees of \$125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

Correction of  
transport vehicle  
red unsatisfactory  
items

(8) If a transport vehicle receives Unsatisfactory (U) on any item printed in red in Sections 5 (Tank of Transport Vehicle) or 6 (Pump and Sample Compartment) of the Bulk Milk Transportation Inspection Report the inspector shall direct the owner of the transport vehicle to correct the noted deficiencies within seven days of completion of the inspection.

Extensions

(9) The Board may extend the time period set out in subsection (8), provided the Board is satisfied that the corrective action requires an extended time or replacement parts that are not available within the time period specified.

Correction of  
transport vehicle  
black unsatisfactory  
items

(10) A transport vehicle that receives Unsatisfactory (U) on any item printed in black

in Sections 4 (Exterior), 6 (Pump and Sample Compartment), 7 (Manholes) or 8 (Miscellaneous) of the Bulk Milk Transportation Inspection Report the owner of the transport vehicle shall have thirty days from the date of the inspection to correct the deficiencies.

Suspension (11) A transport vehicle that has not been repaired or modified to correct Unsatisfactory (U) any item outlined in subsection (10) within thirty days of the inspection report shall be suspended from picking up bulk milk from dairy farms by the Board until such time as the Board is satisfied that the owner of the transport vehicle has corrected all the deficiencies.

(a) the owner of the transport vehicle shall pay re-inspection fees of \$125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

Extensions (12) The Board may extend the thirty-day period set out in subsection (11) provided the Board is satisfied that the corrective action requires an extended time or replacement parts that are not available within thirty days.

### **PART X GENERAL**

Analysis methods 17(1) All analysis of milk and milk products will be determined by methods outlined in the most recent edition of Standards Methods for the Examination of Dairy Products or the most recent edition of the official methods of analysis of the Association of Analytical Chemists.

Pasteurization (2) No person shall sell, offer for sale, distribute or supply to any person, except to the Board or a purchasing agent designated by the Board, milk that has not undergone the process of pasteurization.

Pathogenic diseases (3) No person shall sell, offer for sale, distribute or supply to any person, milk or milk products that contain any pathogenic bacteria or any foreign substance.

Communicable diseases (4) No person infected with any communicable disease, or who is a carrier of such a disease, shall work in the production, transportation, processing or distribution of milk or milk products.

Powers of inspectors (5) An inspector or other official of the Board authorized under this Order shall have the authority to detain, prohibit the sale, or order the disposal of any milk or milk product that does not meet the requirements of the Act and this Order.

Commencement 18. This Order comes into force on the 1st day of August 2012.

Dated at Charlottetown, Prince Edward Island, this 10th day of July 2012.

Harold MacNevin, Chair  
Ronald Maynard, Secretary

**TABLE 1**  
**CHEMICAL AND MICROBIOLOGICAL STANDARDS**  
**FOR RAW MILK**

PRODUCT	PARAMETER	STANDARD
Raw milk	Temperature	Greater than 0°C and less than or equal to 4°C for milk contained in the bulk milk tank (subject to subsections 5(22) and 5(23).
	Bacteria count	Maximum of 121,000 Individual Bacterial Count per ml. (i.e. Bactoscan®) for cow's milk. If bactoscan testing is not available the standard shall be a standard plate count of 50,000 cfu/ml.
	Somatic cells	Up to and including 31 July 2012, a maximum of 500,000 somatic cells per ml. Effective 1 August 2012, a maximum of 400,000 somatic cells per ml.
	Veterinary drug residues	Negative for the presence of veterinary drug residues and inhibitory substance residues as tested by an approved screening method or testing below the MRL by an approved quantitative method.
	Cryoscopy	Maximum: -0.525° Hortvet or (-0.507°C) for cow's milk.

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**NOTICE OF DISSOLUTION***Partnership Act*

R.S.P.E.I. 1988, Cap. P-1

Public Notice is hereby given that a Notice of Dissolution has been filed under the *Partnership Act* for each of the following:

Name: ALLSTREAM  
Owner: MTS INC.  
Registration Date: July 19, 2012

Name: ALLSTREAM IT SERVICES  
Owner: MTS INC.  
Registration Date: July 19, 2012

Name: CLARK FUEL SAVERS  
Owner: CLARK FUEL SAVERS LTD.  
Registration Date: July 20, 2012

Name: CLAM DIGGERS  
Owner: Don Taylor  
Peter Llewellyn  
Registration Date: July 20, 2012

Name: SEAHORSE DIVING SERVICE  
Owner: Scott Cutcliffe  
Registration Date: July 24, 2012

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**NOTICE OF GRANTING LETTERS****PATENT***Companies Act*

R.S.P.E.I. 1988, Cap. C-14, s.11,

Public Notice is hereby given that under the *Companies Act* Letters Patent have been issued by the Minister to the following:

Name: MAFSSI (PEI) INC.  
BDC Place, Suite 620  
119 Kent Street  
Charlottetown, PE C1A 1N3  
Incorporation Date: July 20, 2012

Name: PRINCE EDWARD ISLAND  
GROUND SEARCH AND RESCUE  
INC.  
13 Carrington Road  
Stratford, PE C1B 1L6  
Incorporation Date: July 17, 2012

Name: SEAHORSE DIVING SERVICE INC.  
2086 Route 10  
Borden-Carlton, PE C0B 1X0  
Incorporation Date: July 24, 2012

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**NOTICE OF REGISTRATION***Partnership Act*

R.S.P.E.I. 1988, Cap. P-1, s.52 and s.54(1)

Public Notice is hereby given that the following  
Declarations have been filed under the  
*Partnership Act*:

Name: ZURICH DEDUCTIBLE RECOVERY  
GROUP

Owner: PARAGON ASSET RECOVERY  
SERVICES INC.  
420 Rouser Road, Building 3,  
Suite 300  
Coraopolis, PA 15108

Registration Date: July 18, 2012

Name: ALLSTREAM  
Owner: ALLSTREAM INC.  
200 Wellington Street West  
Suite 1600  
Toronto, ON M5V 3G2

Registration Date: July 19, 2012

Name: ALLSTREAM IT SERVICES  
Owner: ALLSTREAM INC.  
200 Wellington Street West  
Suite 1600  
Toronto, ON M5V 3G2

Registration Date: July 19, 2012

Name: TD DIRECT INVESTING  
Owner: TD WATERHOUSE CANADA INC.  
66 Wellington Street West  
TD Tower, 12 Floor  
Toronto, ON M5K 1A2

Registration Date: July 20, 2012

Name: KRISTIE'S FAMILY RESTAURANT  
& LOUNGE  
Owner: GOLDWIN INVESTMENT INC.  
15 Queen Street  
P.O. Box 429  
Charlottetown, PE C1A 4A2

Registration Date: July 23, 2012

Name: GREAT AMERICAN INSURANCE  
AGENCY OF CANADA  
Owner: GREAT AMERICAN INSURANCE  
AGENCY, INC.  
301 East Fourth Street  
Cincinnati, OH 45202

Registration Date: July 19, 2012

Name: WFG

Owner: WORLD FINANCIAL GROUP  
INSURANCE AGENCY OF  
CANADA INC./Agence D'Assurance  
Groupe Financier Mondial du Canada  
Inc.  
5000 Yonge Street  
Suite 800  
Toronto, ON M2N 7E9

Registration Date: July 24, 2012

Name: WORLD FINANCIAL GROUP  
Owner: WORLD FINANCIAL GROUP  
INSURANCE AGENCY OF  
CANADA INC./Agence D'Assurance  
Groupe Financier Mondial du Canada  
Inc.  
5000 Yonge Street  
Suite 800  
Toronto, ON M2N 7E9

Registration Date: July 24, 2012

Name: GROUPE FINANCIÈR MONDIAL  
Owner: WORLD FINANCIAL GROUP  
INSURANCE AGENCY OF  
CANADA INC./Agence D'Assurance  
Groupe Financier Mondial du Canada  
Inc.  
5000 Yonge Street  
Suite 800  
Toronto, ON M2N 7E9

Registration Date: July 24, 2012

Name: WFG  
Owner: WFG SECURITIES OF CANADA  
INC./WFG VALEURS MOBILIERES  
DU CANADA INC.  
5000 Yonge Street  
Suite 800  
Toronto, ON M2N 7E9

Registration Date: July 24, 2012

Name: WORLD FINANCIAL GROUP  
Owner: WFG SECURITIES OF CANADA  
INC./WFG VALEURS MOBILIERES  
DU CANADA INC.  
5000 Yonge Street  
Suite 800  
Toronto, ON M2N 7E9

Registration Date: July 24, 2012

Name: GROUPE FINANCIÈR MONDIAL  
 Owner: WFG SECURITIES OF CANADA  
 INC./WFG VALEURS MOBILIERES  
 DU CANADA INC.  
 5000 Yonge Street  
 Suite 800  
 Toronto, ON M2N 7E9  
 Registration Date: July 24, 2012

Name: BUDDY CLARK / CLARK FUEL  
 SAVERS  
 Owner: Buddy Clark  
 1437 Waterview Road  
 Summerside, PE C1N 4J8  
 Registration Date: July 20, 2012

Name: CLAM DIGGERS  
 Owner: Don Taylor  
 7 West Street  
 Georgetown, PE C0A 1L0  
 Registration Date: July 20, 2012

Name: GESTION PRIVÉE MANUVIE  
 Owner: Manulife Asset Management Limited/  
 Gestion d'Actifs Manuvie Limitée  
 200 Bloor Street East  
 Toronto, ON M4W 1E5  
 Registration Date: July 24, 2012

Name: HENK MEDIA  
 Owner: Henk Van Leeuwen  
 75 Heather Avenue  
 Charlottetown, PE C1A 8H3  
 Registration Date: July 20, 2012

Name: HOUSE OF NAILS  
 Owner: Connie Perry  
 98 St. Nicholas Road  
 Miscouche, PE C0B 1T0  
 Registration Date: July 19, 2012

Name: KCS SALES AGENCY  
 Owner: Kimberley Ian Magill  
 62 Braeburn Lane  
 P.O. Box 1098  
 Cornwall, PE C0A 1H0  
 Registration Date: July 17, 2012

Name: MANULIFE PRIVATE WEALTH  
 Owner: Manulife Asset Management Limited/  
 Gestion d'Actifs Manuvie Limitée  
 200 Bloor Street East  
 Toronto, ON M4W 1E5  
 Registration Date: July 24, 2012

<http://www.gov.pe.ca/royalgazette>

Name: MS. Q BOUTIQUE  
 Owner: Mengyun Qiu  
 #210, 4 Prince Street  
 Charlottetown, PE C1A 4P5  
 Owner: Menglu Qiu  
 #210, 4 Prince Street  
 Charlottetown, PE C1A 4P5  
 Registration Date: July 23, 2012

Name: PROVOCANTE  
 Owner: Alexander B. Banman  
 Suite 6, 93 King Street  
 Charlottetown, PE C1A 1B6  
 Registration Date: July 17, 2012

Name: TERRE ROUGE BISTRO MARCHÉ  
 Owner: 8208115 Canada Ltd.  
 84 Newland Crescent  
 Charlottetown PE C1A 4H7  
 Registration Date: July 19, 2012

Name: COOKE INSURANCE GROUP  
 Owner: Charlie Cooke Insurance Agency Ltd.  
 125 Pownal Street  
 Charlottetown PE C1A 3W4  
 Registration Date: July 19, 2012  
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## NOTICE

PUBLIC NOTICE is hereby given that under the provisions of the *Co-operative Associations Act*, a Certificate of Incorporation bearing the date the 18th day of July, 2012 has been granted to **P.E.I. FARM WORKS INVESTMENT CO-OPERATIVE LIMITED** with head office at Charlottetown, Prince Edward Island.

DATED at Charlottetown this 18th day of July, 2012.

Katharine Tummon  
 Registrar

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## NOTICE Environment Officer Designation

Pursuant to the authority provided to me by subsection 6(3) of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, I hereby designate the following Department of Environment, Labour and Justice employee as



an **Environment Officer** for the purposes of this Act and regulations thereunder:

**Jocelyn Robbins  
Morell, PE**

This appointment will cease upon termination of employment with the Department of Environment, Labour and Justice or upon further written notice that the designation is terminated.

Janice Sherry  
Minister of Environment, Labour  
and Justice and Attorney General

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**NOTICE  
MARRIAGE ACT**  
Prince Edward Island  
[Subsection 8(1) of the Act]

Notice is hereby published that, under the authority of the *Marriage Act*, the following clergy has been **registered** for the purpose of solemnizing marriages in the province of Prince Edward Island:

**Pastor Jeff Eastwood**  
50 Kirkdale Road  
Charlottetown PE C1E 1N6

T.A. Johnston  
Director of Vital Statistics

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**NOTICE  
MARRIAGE ACT**  
Prince Edward Island  
[Subsection 8(1) of the Act]

Notice is hereby published that, under the authority of the *Marriage Act*, the following clergy has been temporarily registered from **September 29, 2012 - October 6, 2012**, for the purpose of solemnizing marriages in the province of Prince Edward Island:

**Pastor Chad D. Clements**  
6547 Aylesford Road  
Aylesford NS B0P 1C0

T.A. Johnston  
Director of Vital Statistics

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<http://www.gov.pe.ca/royalgazette>

**NOTICE  
MARRIAGE ACT**  
Prince Edward Island  
[Subsection 8(1) of the Act]

Notice is hereby published that, under the authority of the *Marriage Act*, the following clergy has been temporarily registered from **September 8, 2012 to September 15, 2012**, for the purpose of solemnizing marriage in the province of Prince Edward Island:

**Pastor Terry Woodcock**  
c/o Devon Park Baptist  
145 Clark Street  
Fredericton NB E3A 2W8

T.A. Johnston  
Director of Vital Statistics

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**PART II**  
**REGULATIONS**

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**EC2012-387**

**DAIRY INDUSTRY ACT  
REGULATIONS  
REVOCATION**

(Approved by His Honour the Lieutenant Governor in Council dated July 17, 2012.)

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.

Certified a true copy,

Stephen C. MacLean

Clerk of the Executive Council

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**EC2012-391**

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

(Approved by His Honour the Lieutenant Governor in Council dated July 17, 2012.)

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**

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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.

Certified a true copy,

Stephen C. MacLean

Clerk of the Executive Council

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EC2012-392

#### HIGHWAY TRAFFIC ACT DEMERIT POINT SYSTEM REGULATIONS AMENDMENT

(Approved by His Honour the Lieutenant Governor in Council dated July 17, 2012.)

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.**

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**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.

Certified a true copy,

Stephen C. MacLean

Clerk of the Executive Council

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**EC2012-411**

**NATURAL PRODUCTS MARKETING ACT  
EGG COMMODITY MARKETING REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated July 17, 2012.)

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.

Certified a true copy,

Stephen C. MacLean

Clerk of the Executive Council

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**EC2012-412**

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

(Approved by His Honour the Lieutenant Governor in Council dated July 17, 2012.)

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:**

Duties

- (2) The returning officer shall
  - (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.**



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**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.

Certified a true copy,  
Stephen C. MacLean  
Clerk of the Executive Council

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**EC2012-417****PUBLIC HEALTH ACT  
MILK PROCESSING REGULATIONS**

(Approved by His Honour the Lieutenant Governor in Council dated July 17, 2012.)

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         |

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fluid milk product	(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;
food grade steam	(h) “food grade steam” means steam made from potable water;
HTST	(i) “HTST”, in respect of pasteurization, means high temperature, short time;
hygienic practices	(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;
license	(k) “license” means a license issued by the Minister under section 11 of the Act for the operation of a milk processing plant;
license holder	(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;
pasteurization	(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 micro-organisms associated with that product in order to assure the safety of the product over its intended shelf life and storage conditions;
pathogen	(n) “pathogen” means any disease producing agent or micro-organism;
potable	(o) “potable” means water that is free from pollution, harmful organisms and impurities;
processing	(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;
product	(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;
sanitary	(r) “sanitary” means a condition that prevents contamination by a microbiological, chemical or physical hazard;
sanitize	(s) “sanitize” means to kill any pathogenic bacteria;
spoilage	(t) “spoilage” means, in the case of raw milk and milk products, an action that renders the food unfit for human consumption;
toxin	

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

## 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
  - (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.

New applications  
for dairy  
manufacturing plant
- (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
  - (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.

*Idem*
3. (1) The Minister may refuse to issue or renew or may suspend the license for a milk processing plant where
  - (a) the milk processing plant, its equipment or its operations do not meet the requirements of the Act or these regulations;

Suspension of  
license

- (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.

Notice of  
suspension

(2) The Minister shall not suspend a license under subsection (1) unless

- (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.

Suspension period

(3) A suspension of a license under subsection (1) shall remain in effect

- (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).

License revocation

4. (1) The Minister may revoke the license for a milk processing plant where

- (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.

Extension of time

(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.

Notice of  
cancellation

(3) The Minister shall not revoke a license under subsection (1) unless

- (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.

Design of waste system

(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.

Potable water

- (8) A milk processing plant shall
- (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.

No cross-contamination

(9) A milk processing plant shall be designed so as to prevent cross-contamination between raw ingredients and finished products.

Portable processing facilities

(10) Portable processing facilities and processing facilities with drainage piping shall be connected to a drain.

Lighting

- (11) A milk processing plant shall be equipped with a lighting system in each area that is
- (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.

Ventilation

(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.

Hand washing station, change areas

- (13) A milk processing plant shall be equipped with
- (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.

Design, construction and installation of equipment  
Safe and sanitary manner

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.

(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.

(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.

Batch pasteurizers

- (5) All batch pasteurizers shall be equipped with
- (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.

*Idem*

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

Airspace  
temperature

(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.

HTST pasteurizers

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

Auxiliary  
equipment

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

Cooling capacity

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

Cooling period



(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.

(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

Processed milk  
standards

**10.** A person shall ensure that all processed fluid milk products offered for sale or sold are

- (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.

Food-borne  
pathogens and  
microbial toxins

**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.

Pathogenic bacteria

(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.

#### PART IV

##### ADDITIVES

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.

Additive  
requirements

(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.

#### PART V

##### RECORDS

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.

Required  
information

(2) A license holder shall ensure that process control records for batch pasteurizers provide the following information for each pasteurization process:

- (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.

## Prohibitions

- (5) A license holder shall not allow
  - (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

## Contaminated products

**15.** (1) A license holder shall not sell any product for human consumption that is contaminated.

## Documentation

- (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
  - (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.

## Cleanliness

**16.** (1) A license holder shall ensure that milk processing plant facilities, material and equipment are kept clean.

## Written procedures

(2) A license holder shall establish and maintain written protocols for the milk processing plant's sanitation program.

## Sanitation program

- (3) The sanitation program for a milk processing plant shall include
  - (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
- (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.

Cleaning materials  
and agents

(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

Conflict

(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.

## PART IX

### ENFORCEMENT AND PENALTIES

Seizure or  
Detention

**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:

- (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.

Prohibition

(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.

Notice of detention

**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

- (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.

*Idem*

(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

- (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.

Preservation of  
detained product

**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.

**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:

Danger to public health

- (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.

Level I (high risk) recalls

(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.

Public warning

**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.

Level II (moderate risk) recalls

Public warning	(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.
Level III (low and no risk) recalls	<b>29.</b> 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.
Commencement	<b>30.</b> 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**

<b>Product</b>	<b>Bacteria</b>	<b>n</b>	<b>c</b>	<b>m</b>	<b>M</b>
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.

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**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.

Certified a true copy,

Stephen C. MacLean

Clerk of the Executive Council

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## EC2012-418

**SUMMARY PROCEEDINGS ACT  
TICKET REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated July 17, 2012.)

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
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.

Certified a true copy,  
Stephen C. MacLean  
Clerk of the Executive Council

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**PART II**  
**REGULATIONS INDEX**

Chapter Number	Title	Original Order Reference	Amendment	Authorizing Order and Date	Page
D-1	<b>Dairy Industry Act</b> Regulations	EC735/88	[rev] [eff] July 31/12	EC2012-387 (17.07.12)	119
H-5	<b>Highway Traffic Act</b> Commercial Driver, Carrier and Audit Review Systems Regulations	EC21/06	s.1(n) [eff] July 28/12	EC2012-391 (17.07.12)	119-120
	Demerit Point System Regulations	EC1216/80	s.10(2) Schedule [eff] July 28/12	EC2012-392 (17.07.12)	120-121
N-3	<b>Natural Products Marketing Act</b> Egg Commodity Marketing Regulations	EC274/76	s.11(2) [R&S] s.11(2.1) [added] [eff] July 28/12	EC2012-411 (17.07.12)	121-122
	Dairy Farmers of Prince Edward Island Regulations	EC215/04	s.9(2) [R&S] [eff] July 28/12	EC2012-412 (17.07.12)	122-123
P-30	<b>Public Health Act</b> Milk Processing Regulations		[new] [eff] Aug. 1/12	EC2012-417 (17.07.12)	123-143
S-9	<b>Summary Proceedings Act</b> Ticket Regulations	EC58/08	Schedule 2 [eff] July 28/12	EC2012-418 (17.07.12)	144-147