

Tracking Federal Regulatory Initiatives

Regulatory Affairs

VOL. 4, No. 10

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Atlantic Pilotage Authority Regulations, amendment

The proposed amendments to subsection 14(2) and 18(2) would decrease pilotage certification requirement from 12 to 4 one-way trips for three less difficult areas: Bay of Exploits and Humber Arm in Newfoundland and Confederation Bridge in Prince Edward Island.

The current requirement for an applicant for a pilotage certificate to complete at least 12 one-way trips in the relevant compulsory pilotage waters within the two year period prior to sitting a pilotage certificate exam remains in place for 11 other more difficult pilotage areas in the Atlantic area.

Contact: Captain F.H. Wade, Senior Advisor, Certification and Pilotage Branch, Department of Transport, Place de Ville, Tower C, 11th Floor, Ottawa, Ontario, K1A 0N8.

Pilotage Act, subsection 20(1)

Published in Canada Gazette March 28, 1998

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

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Safety Management Regulation

The new regulation will ensure that Canada meets its international obligations with respect to certification of Canadian Convention ships and will ensure International Safety Management (ISM) Code compliance of foreign ships entering and operating in waters under Canadian jurisdiction.

The Regulation must be in effect by July 1, 1998, the implementation date of new Chapter IX of the Annex to the Safety of Life at Sea Convention (SOLAS) 1974, which incorporates the new ISM Code.

The ISM Code will become mandatory internationally for convention ships by July 1, 1998 for all passenger ships, including passenger high speed craft; and for oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high speed craft of 500 tons gross tonnage and over.

The Regulations list organizations recognized for the purpose of implementing Chapter IX of the Safety Convention.

The proposed regulations would come into force July 1, 1998.

Contact: Roger Côté, Marine Safety Directorate, Department of Transport, Place de Ville, Tower C, 11th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel: 613-990-1535; Fax: 613-954-4916.

Canada Shipping Act,
section 314, paragraph
657(1)(e) and (k) and sub-
section 657(2)

Published in Canada
Gazette March 28, 1998

Exempt from Pre-Publication and Approved

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Dairy Products Regulations, amendment (I.D. No. 96015(D2)) (SOR/98-216, OIC 1998-492); Dairy Products Fees Order, amendment (SOR/98-222)

These amendments replace mandatory export grading and certification requirements for butter, Cheddar cheese and dry milk powder (in bulk format) with optional organoleptic grading and certification services that will be available upon request; repeal the grade designations Canada 2 and Canada 3 for butter and Cheddar cheese; and require that registration licences be renewed on April 1 of each year.

More specifically:

- The mandatory grading of dry milk products has been discontinued in favour of voluntary grading as needed. The Government has concluded that mandatory grading of all bulk butter, cheddar cheese and dry milk powder no longer serves a useful purpose and the costs cannot be justified. If importing countries require Canadian government certification, it will be available on demand and payment of the fees.
- The objective of organoleptic grading was to ensure that butter and cheddar cheese carrying the Canada 1 grade name met certain specific standards for commercial quality, including flavour, texture and appearance. The dairy industry no longer considers that organoleptic standards are an effective marketing tool for butter and cheddar cheese because foreign buyers' requirements may differ from Canadian organoleptic standards. The industry will bear full responsibility for the commercial quality of its products.

*Canada Agricultural
Products Act*, R.S., C. 20,
(4th Supp.), section 32;
*Financial Administration
Act*, paragraphs 19(1)(b)
and 19.1(b)

To be published in Can-
ada Gazette April 15,
1998

Exempt from Pre-Publication and Approved

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Despite deregulation, the specifications for grades and grading for butter, cheddar cheese and dry milk products will continue to include the standards of identity, health and safety and labelling requirements. The Food Inspection Agency will continue to inspect processing facilities to monitor health and safety compliance and will routinely examine samples of graded products to maintain the integrity of the Canada 1 federal trade mark.

With respect to the *Dairy Products Fees Order*, changes were prepublished in Part I of the Canada Gazette on August 9, 1997.

Following prepublication, some adjustments were made to the Fees Order that are also reflected in these amendments to the *Dairy Products Regulations*.

More specifically:

- Registrations will now be renewable on April 1 rather than 12 months from their date of issue.
- There will normally be a uniform 12 month registration period from April 1 to March 31 for all establishments.
- Existing registrations will be allowed to continue until their current expiry dates.
- Fees for new registrations beginning after April 1 will be prorated to the number of complete months remaining until the next April 1.
- New or renewing registrations beginning in December, January, February or March may be issued for 15, 14, 13 and 12 months, respectively, and registrations for terms of less than 12 months may be issued where appropriate, and the fees prorated accordingly.

Contact: R. Carberry, A/Director, Dairy, Fruit and Vegetable Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario K1A 0Y9. Tel: 613-952-8000, ext. 4727; Fax: 613-228-6615; e-mail: carberryr@em.agr.ca.

Quebec Fishery Regulations, 1990, amendment (SOR/98-218, OIC 1998-496)

These changes, made at the request of the Province of Quebec, amend and update certain provisions of the Regulations. While they apply to commercial and sport fishing, they have no impact on the native food fishery.

More specifically, the amendments:

- amend the definition of "Area" so that the possession restrictions provided for in section 39 will apply in respect of the portions of areas described in Part I of Schedules I to XXV;
- introduce the delegation level of Assistant Deputy Minister between that of the Minister and that of the Regional Director, for the purpose of making orders;
- exclude the trunk part of Highway 132 from Sainte-Flavie to Matapedia, in order to clarify the description of the waters of Area 1 where a fishing licence is not required to fish for species other than salmon;
- allow the use of live fish for bait in a segment of the Ottawa River located in Area 12 and bordering on Lake Timiskaming, located in Area 25;
- allow the use of dead fish for bait in Pin Blanc Lake, located in the Restigo Z.E.C., from December 1 to April 15;
- clarify the provision authorizing the possession of dead fish for bait in certain portions of Areas 1,2,3, 15,18 and 19, for use in Areas 7 and 21;
- provide that holders of the new licence for residents with mandatory release of fish who are asked by a fishery officer or fishery guardian to produce the licence must do so within seven days;

Fisheries Act, sections 8 and 43

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- allow the use of dead smelts as bait in certain bodies of water of Area 18 from December 1 to April 15 and, in the table to subsection 15(4), add Lakes Rond, Montreal and Gronick to the list of bodies of water where the use of dead smelt is permitted for winter fishing;
- forbid any person who is swimming to use a spear to practice the sport fishing of any species of fish in the waters of Areas 17, 22, 23 and 24;
- in order to resolve certain conservation issues, allow the establishment of quotas for salmon released into salmon rivers, and amend the wording of the yellow perch quota so that section 39 may be applied to the possession restriction in a wildlife area or reserve;
- forbid a person to continue, during a day, to fish a species of fish when the quota of fish caught has been reached for that species;
- review the authorized gear in four of the sectors of the Matapedia River, grant the status of salmon river to the northern branch of the Humqui River, and clarify the descriptions of the sectors of the river, which have become confused in the course of successive amendments;
- allow only fly fishing in Lakes Frenette, Nord and Tremblay located in the Casault Z.E.C., in Lake Ross located in the York-Ballargeon Z.E.C. and in Petit Auclair Lake located in the Owen Z.E.C.;
- divide the network of the Ouelle River between Areas 2 and 3, and amend the authorized gear and close times relative to certain sectors of that river;
- in the Grosse Truite, Leuc and Nemo Lakes located in the Rivière Blanche Z.E.C., allow only fly fishing, and remove this obligation in Vitry Lake;
- add smelt in certain sectors of the Laval River, and establish the appropriate quota, authorized gear and close time;
- repeal references to certain sectors of salmon rivers which are not frequented by salmon;
- correct errors of coordinates and of toponymy;
- create three new licences and increase sport fishing licence fees for 1998-1999 and subsequent years, in order to take inflation into account;
- add to Schedule XXIX that part of the Bonaventure River between the downstream side of the Highway 132 bridge and the downstream side of the old bridges of Highway 132 (48° 02' 50"N., 65° 28' W.), in order to allow smelt fishing without a licence; and
- amend fishing gear or species in order to take current commercial fishing practices into account.

Contact: Jean-Pierre Dorion, Regulatory Services, Wildlife Reserves, Regulation and Licensing Directorate, Department of Environment and Wildlife, 150 René-Lévesque Boulevard East, 4th floor, P.O. Box 91, Quebec, Quebec, G1R 4Y1. Tel: 418-644-8376; Fax: 418-528-0834; e-mail: jean-pierre.dorion@mef.gouv.qc.ca

Small Business Loans Regulations, 1993, amendment (SOR/98-219, OIC 1998-500)

The amendments facilitate amendments being made to the *Small Business Loans Act* that, if approved, will extend the existing lending period by one year to March 31, 1999 and would increase the existing lending ceiling by \$1.0 billion to an aggregate of \$15.0 billion.

Small Business Loans Act, section 7

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The Act and Regulations establish a federal government loan loss indemnification program brought into effect in January 1961 to encourage commercial lenders in the private sector to make term loans in respect of land, premises and equipment for the purpose of the establishment, expansion, modernization and improvement of small and medium-sized business enterprises.

The existing paragraphs 7(b), 8(b) and 9(c) of the 1993 Regulations provide that eligible loans may be made "beginning on January 1, 1996 and ending on March 31, 1998". The amendments, made pursuant to paragraph 7(1)(e) of the existing Act, change this wording to "after December 31, 1995", in order to be consistent with all other similar provisions in the 1993 Regulations.

The amendments come into effect March 31, 1998, in order to ensure that the Small Business Loans Program can continue without interruption.

Contact: George Hussey, Acting Director, Small Business Loans Administration Directorate, Programs and Services Branch, Operations Sector, Industry Canada, 235 Queen Street, Ottawa, Ontario, K1A 0H5. Tel: 613-952-7339.

Canada Grain Regulations, amendment (SOR/98-220, OIC 1998-507)

The amendments, effective April 1, 1998, reduce the fee listed in Schedule I, item 4(a)(i)(i) from \$14.75 to \$5.90 per carload, truckload or container and change the wording in the first line of Schedule I, item 4(a)(i)(i) from "weighing" to "official weighing".

These changes result from discussions between the Canadian grain industry and the CGC that have led to an agreement whereby the CGC will provide a less intensive service for car unloads at terminal elevators at a lower fee.

Contact: Valerie Gilroy, Legal Counsel, Canadian Grain Commission, 600-303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel: 204-983-2733; Fax: 204-983-2751.

Canada Grain Act, R.S., c. 37, (4th Supp.), subsection 116(1)

To be published in Canada Gazette April 15, 1998

Pre-Published and Approved With comments or changes

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Gasoline Regulations, amendment (SOR/98-217, OIC 1998-495)

The amendments exempt, until December 31, 2002, all competition (racing) vehicles from the restriction on the use of leaded gasoline.

The regulations also require every person, involved in the production, sale and importation of leaded racing gasoline destined for competition vehicles, to retain records and to submit an annual report providing information on total quantities of leaded racing gasoline used in Canada. The test methods used in the current regulations to measure concentration of lead and phosphorus have been updated.

The Minister of the Environment may consider further control action during the five-year exemption period if there is a significant increase in use of leaded fuels over 1996 levels.

The amendments come into effect March 26, 1998.

Contact: Lynne Patenaude, Commercial Chemicals Evaluation Branch, Toxics Pollution Prevention Directorate, Environmental Protection Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel: 819-953-1671; Arthur Sheffield, Regulatory and Economic Assessment Branch, Regulatory Affairs and Program Integration Directorate, Environmental Protection Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel: 819-953-1172.

Canadian Environmental Protection Act, subsection 46 and 47

Not included in Regulatory Plan

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Ministerial Orders Approved

Statutory Authority & Regulatory Plan Listing

Advance Income Tax Ruling Fees Order, amendment (SOR/98-221)

This amendment, which comes into force on March 26, 1998, sets the fee payable for requesting an advance income tax ruling from Revenue Canada at \$90 for each hour or part thereof that is spent preparing the ruling, whether or not the ruling request is withdrawn.

*Order in Council P.C.
1989-1949*

To be published in Canada
Gazette April 15, 1998

Canadian Chicken Marketing Quota Regulations, 1990, amendment (SOR/98-223)

This amendment, which comes into force on June 7, 1998, establishes the periodic allocation for the period June 7, 1998 to August 1, 1998 for producers who market chicken in interprovincial or export trade.

*Farm Products Agencies
Act, paragraph 22(1)(f)*

To be published in Canada
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The new limits in Column II of Schedule II are as follows (in kilograms of live-weight): Ontario, 55,400,000; Quebec, 47,261,484; Nova Scotia, 6,477,500; New Brunswick, 4,742,571; Manitoba, 6,849,267; P.E.I., 612,018; Saskatchewan, 4,047,159; Alberta, 16,033,106; and Newfoundland, 2,318,916. The overall total is 143,742,021 kg.

Under Column III, the new limits are: Quebec, 2,703,750; Nova Scotia, 100,000; Manitoba, 62,500; and Alberta, 340,560.

Canadian Chicken Marketing Levies Order, amendments (SOR/98-224)

The amendment set the levy rate to be paid by producers engaged in the provinces, other than British Columbia, in the marketing of chicken in interprovincial or export trade, effective April 12, 1998.

*Farm Products Agencies
Act, paragraph 22(1)(f);
Canadian Chicken Mar-
keting Agency Proclama-
tion, section 12 of the
Schedule*

The new levies set out in paragraph 4(a) to (i) are as follows: Ontario, 1.49 cents; Quebec, 1.26 cents; Nova Scotia, 1.12 cents; New Brunswick, 1 cent; Manitoba, 1.44 cents; Prince Edward Island, 0.94 cents; Saskatchewan, 1.8 cents; Alberta, 1 cent; and Newfoundland, 1.577 cents.

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The amended regulations came into force on April 12, 1998.

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