

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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Circulate to:	HIGHLIGHTS
1.	Proposed Regulations
2.	Drug establishment licensing fees proposed 1-2
3.	Exempt from Pre-Publication and Approved
4.	Direction given to CRTC concerning Canadian ownership of telecommunications ventures becoming involved in broadcasting 5-6
5.	Pre-Published and Approved
	Immigration Regulations amended, to establish new immigrant classes . . 7-9

Proposed Regulations for Pre-Publication in Part I, Canada Gazette	Statutory Authority & Regulatory Plan Listing
<p>Narcotic Control Regulations, amendment; Food and Drug Regulations, amendment; Financial Administration Act, amendment; Establishment Licensing Fees Regulations (Schedule No. 1056), amendment</p> <p>The proposed regulatory amendments would introduces fees for establishment licensing as part of Phase III of the federal government’s drugs program cost recovery initiative. Also proposed are related consequential amendments to the <i>Narcotic Control Regulations</i> and to the <i>Food and Drug Regulations</i>.</p> <p>The proposed cost recovery initiatives would recover an estimated \$8-million per year, of the \$9-million in direct and indirect costs for the program.</p> <p>User fees would be charged for the right or privilege to fabricate, package/label, distribute, import, wholesale or test one or more categories of drugs (e.g. pharmaceutical, biologic) and classes of dosage forms (e.g. tablet, parenteral).</p> <p>Fees would be charged annually at the time of establishment licence issuance in respect of the 12-month period commencing on July 1, in the year in which the fee is required to be paid.</p>	<p><i>Narcotic Control Act, Food and Drugs Act, Financial Administration Act, paragraph 19(1)(a)</i></p> <p>HC/96-1-M</p> <p>To be published in Canada Gazette April 12, 1997</p>

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority
&
Regulatory Plan Listing

Fees for establishment licensing were delayed until Phase III to allow for development of a licensing framework and implementation of more efficient inspection and product analysis strategies, and therefore lower the Drugs Program's costs which are to be recovered.

Phase I and II, already in place, covered Authority to Sell Drugs Fees and Drug Evaluation Fees respectively.

The component basis for the proposed fee schedule for establishment licensing is designed to allow a wide range of fees to accommodate the different types and structure of firms subject to licensing. This approach, similar to that used for the *Drug Evaluation Fee Regulations*, is intended to ensure that costs are allocated fairly to recipients of Drugs Program inspection, assessment and analysis activities.

As with previous cost recovery elements, a provision is made for a reduced fee to prevent severe economic harm. This provision is intended to ensure that the fee payable is limited to no more than 1.5% of the applicant's gross revenue from sales or testing of drugs in its previous fiscal year based on audited financial statements provided by the applicant.

The total establishment licensing fee would consist of three parts:

- a GMP inspection/assessment component, designed to cover all in-house, downstream licensed operations such as packaging/labelling, distributing, importing, wholesaling or testing, as well as depots and warehousing; however, contracted-out activities are licensed separately and subject to a separate fee; foreign inspection by Canadian inspectors will be available at the base GMP fee for fabricating (\$6,000) plus travel and accommodation expenses;
- a product analysis component, designed to cover the cost of product laboratory analysis of paper analytical assessment carried out by the drugs program; the fee is the highest level applicable based on the categories of products handled by the firm; drugs in Schedule IV of the proposed regulations, referred to as covered by category IV monographs, are considered low-risk products and not subject the an analysis fee; and
- a narcotics and controlled drugs security inspection component, to cover the time taken assessing a firm's security and record-keeping; the licensing period under section 11 of the *Narcotics Control Regulations* and sections G.02.007 and J.01.013 of the *Food and Drug Regulations* will be harmonized with the establishment licensing period.

Establishments not required to be licensed under Division 1A of the *Food and Drug Regulations* are exempt from the establishment licensing fees.

Fee exemptions are also proposed for public hospitals and publicly funded health institutions (e.g. Red Cross).

Firms handling veterinary products are subject to the proposed fees.

The proposals have been simplified in a number of places, based on the results of consultations and a Business Impact Test analysis.

The Drugs Program provides guidance on calculating the fees at its internet site (<http://www.hwc.ca/hpb/drugs>).

Contacts: Chantal Trepanier or Julie Gervais, Risk Management and Regulatory Affairs Division, Bureau of Drug Policy and Coordination, Drugs Directorate, Health Protection Building, Address Locator 0702B1, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel: 613-957-0372; Fax: 613-941-6458; e-mail: chantal.trepanier@inet.hwc.ca; julie.gervais@inet.hwc.ca.

Proposed Regulations for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

Confederation Bridge Area Provincial (P.E.I.) Laws Application Regulations

Oceans Act

The proposed regulations would provide for the application of the laws of Prince Edward Island on and about the portion of the Confederation Bridge that is outside of any province.

Not included in Regulatory Plan

While federal law, including the Criminal Code, applies to the Bridge because it is located within Canada, federal law is not sufficiently broad to deal with all types of situations.

To be published in Canada Gazette April 12, 1997

The regulations would provide a definition of the "Confederation Bridge Area".

Highway traffic rules and their policing are being dealt with by separate regulations under the *Government Property Traffic Act*.

The extension of provincial laws is planned for about the time the Bridge is opened.

Contact: Jason Reiskind, Counsel, Justice Canada, Ottawa, Ontario, K1A 0H8. Tel: 613-957-7464; Fax: 613-941-1971.

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Customs Duties Reduction or Removal Order, 1988, amendment (SOR/97-185, OIC 1997-479)

Customs Tariff, paragraph 68(1)(a)

This Order amends the Order by replacing three codes (4413, 4414, and 4417); this is a minor amendment, designed to correct administrative errors.

FIN/97-1

The Customs Duties Reduction or Removal Order, 1988 introduces temporary tariff codes, which are designed to rectify structural problems in the Customs Tariff and/or to assist Canadian manufacturers in competing more effectively with imports by providing Free or reduced rates of duty on inputs.

To be published in Canada Gazette April 30, 1997

Contact: Deborah E.M. Hoeg, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-996-7099.

Food and Drug Regulations, amendment (Schedule No. 1039) (SOR/97-186, OIC 1997-480)

Food and Drugs Act, subsection 30(1)

This amendment expands the permitted use of the systemic insecticide acephate to include corn, and establishes Maximum Residue Limits (MRLs) for acephate in celery (5.0 parts per million (ppm)), in corn and soybeans (0.5 ppm), and in milk (0.05 ppm).

HCan/R-33-I

The amendment also establishes an MRL for methamidophos, a metabolite of acephate, in acephate-treated celery at 0.5 ppm.

To be published in Canada Gazette April 30, 1997

Acephate is registered in Canada under the Pest Control Products Act as a systemic insecticide in a number of crops; MRLs have been established for a variety of vegetables and cranberries.

Contact: Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, A.L. 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0R9. Tel: 613-736-3520; Fax: 613-736-3505.

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Food and Drug Regulations, amendment (Schedule No. 1046) (SOR/97-187, OIC 1997-481)

This amendment expands the permitted use of iprodione as a contact fungicide on lettuce, peaches, raspberries, carrots, apricots and plums, and establishes Maximum Residue Limits (MRLs) for iprodione, and its metabolites, in raisins at 60.0 parts per million (ppm), in lettuce at 15.0 ppm, in peaches and in raspberries at 10.0 ppm, in carrots and wine at 5.0 ppm, in apricots at 3.0 ppm, and in plums and prunes at 2.0 ppm.

Iprodione is registered under the Pest Control Products Act as a contact fungicide for control of a number of molds and mildew. MRLs for iprodione residues, including its metabolites, have been established for several fruits and vegetables.

Contact: Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, A.L. 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0R9. Tel: 613-736-3520; Fax: 613-736-3505.

Food and Drugs Act, sub-section 30(1)

HCan/R-33-I

To be published in Canada Gazette April 30, 1997

Food and Drug Regulations, amendment (Schedule No. 1048) (SOR/97-188, OIC 1997-482)

This amendment establishes Maximum Residue Limits (MRLs) for methomyl in blueberries at 6.0 parts per million (ppm) and in strawberries at 1.0 ppm.

Methomyl is registered under the Pest Control Products Act as an insecticide for use on selected food crops. MRLs for methomyl residues have been established under the Food and Drug Regulations for a variety of fruits and vegetables.

Contact: Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, A.L. 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0R9. Tel: 613-736-3520; Fax: 613-736-3505.

Food and Drugs Act, sub-section 30(1)

HCan/R-33-I

To be published in Canada Gazette April 30, 1997

Food and Drug Regulations, amendment (Schedule No. 1050) (SOR/97-189, OIC 1997-483)

This amendment establishes Maximum Residue Limits (MRLs) for chlorothalonil, a broad systemic fungicide, in mushrooms at 1.0 parts per million (ppm), in blueberries at 0.6 ppm and in cherries, nectarines and peaches at 0.5 ppm.

Chlorothalonil is registered in Canada under the Pest Control Products Act as a broad systemic fungicide in a number of crops; MRLs have been established for chlorothalonil and its metabolites in a variety of fruits and vegetables.

Contact: Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, A.L. 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0R9. Tel: 613-736-3520; Fax: 613-736-3505.

Food and Drugs Act, sub-section 30(1)

HCan/R-33-I

To be published in Canada Gazette April 30, 1997

Food and Drug Regulations, amendment (Schedule No. 1037) (SOR/97-190, OIC 1997-484)

This amendment establishes Maximum Residue Limits (MRLs) for diquat, a bipyridyl herbicide, in flax and solin at 0.5 parts per million (ppm), and in milk at 0.05 ppm.

Diquat is registered under the Pest Control Products Act as a bipyridyl herbicide for use in weed control and preharvest desiccation of several selected crops. A Maximum Residue Limit (MRL) for diquat residues in lentils has been established.

Contact: Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, A.L. 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0R9. Tel: 613-736-3520; Fax: 613-736-3505.

Food and Drugs Act, sub-section 30(1)

HCan/R-33-I

To be published in Canada Gazette April 30, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Food and Drug Regulations, amendment (Schedule No. 1041) (SOR/97-191, OIC 1997-485)

This amendment establishes Maximum Residue Limits (MRLs) for the preservative natamycin on shredded and grated cheese at levels up to 10 ppm based on the weight of the cheese.

This amendment will provide joint benefits to both the food industry and consumers from longer shelf-life for these cheeses at the retail level and after the package has been opened.

Contact: Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, A.L. 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0R9. Tel: 613-736-3520; Fax: 613-736-3505.

Direction to the CRTC (Ineligibility of Non-Canadians) (SOR/97-192, OIC 1997-486)

The purpose of the present directive is to give legal effect to the Government's policy decision (publicly announced on August 6, 1996 by the Minister of Canadian Heritage) to create and define a new class of applicants eligible to hold broadcasting distribution licences, namely "qualified successor".

The direction is related to the CRTC's review of the circumstances under which telecommunications carriers should become eligible to hold broadcasting licences.

Qualified successor is defined as a corporation referred to in paragraph 17(2) b) or (c) of the *Canadian Telecommunications Common Carrier Ownership and Control Regulations*, as they read on October 25, 1994, registered as SOR/ 94 667, incorporated or continued under the laws of Canada or a province and directly controlled by a Canadian carrier referred to in subsection 16 (2) of the *Telecommunications Act*, or by its acquiring corporation, where:

- a) the control of the Canadian carrier and its acquiring corporation has remained unchanged since the date of coming into force of this Direction;
- b) the chief executive officer of the corporation or, where the corporation has no chief executive officer, the person performing functions that are similar to the functions performed by a chief executive officer, and all its directors are Canadians;
- c) all the voting shares of the corporation that are not beneficially owned and controlled by the Canadian carrier or its acquiring corporation are beneficially owned and controlled by Canadians;
- d) in the case of a corporation referred to in subparagraph (i)(ii) of the definition of "Canadian", all of the voting shares of the qualified corporation which are not owned by the corporation, shall be owned and controlled by Canadians;
- (e) the corporation operates only in the operating territory of the Canadian carrier;
- (f) the corporation does not beneficially own, directly or indirectly, voting shares of a corporation that holds a broadcasting distribution undertaking licence and that operates outside of the operating territory of the Canadian carrier;
- (g) the directors of the corporation and its officers have complete and exclusive control over all programming decisions and
 - (i) at least 33 1/3 per cent of the directors are independent members, and
 - (ii) a quorum at any meeting of the directors or of any committee of the directors must include at least one independent member; and
- (h) no parent corporation or affiliate corporation of the corporation exercises any control or influence over any programming decisions of the corporation.

Food and Drugs Act, subsection 30(1)

HCan/R-33-I

To be published in Canada Gazette April 30, 1997

Broadcasting Act, paragraph 26(1)(c)

HER/95-12-0-L

To be published in Canada Gazette April 30, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

The restrictions relate to a qualified successor:

- (a) for the purpose of holding a broadcasting distribution undertaking licence, or
- (b) for the purpose of beneficially owning, directly or indirectly, 50 per cent or less of all the issued and outstanding voting shares, and 50 per cent or less of the votes, of a qualified corporation that holds a broadcasting licence for a distribution undertaking only.

The Direction also clarifies the definition of “director” and “qualified corporation”.
Contact: Jean Guérette, Director, Distribution Systems and Multimedia Broadcasting Policy, Broadcasting Policy Branch, Department of Canadian Heritage, Hull, Quebec, K1A 0M5.
Tel: Phone: 819-997-9315; Fax: (819) 997-7472.

National Historic Parks Order, amendment (SOR/97-193, OIC 1997-487)

This amendment changes the description of the lands comprising Fort Langley National Historic Park, situated in the province of British Columbia, by adding one parcel of land and deleting another, the result of an exchange of the two parcels of land between the Corporation of the Township of Langley and the Department of Canadian Heritage, through Parks Canada.

The Corporation of the Township of Langley needed a small parcel of land within Fort Langley National Historic Park to accommodate a pumping station, for a sanitary sewer system for the commercial core of Fort Langley. The parcel of land acquired by Parks Canada in a non-compensatory, straightforward land exchange, will be used for the development of the administration building and visitor reception centre in Fort Langley National Historic Park.

Contact: Rosemarie Bray, Chief, Government Relations and Legislation Policy, Legislation and Government Relations Branch, National Historic Sites Directorate, Parks Canada, Department of Canadian Heritage, 5th Floor, 25 Eddy Street, Jules-Léger Building, Hull, Quebec, K1A 0M5. Tel: 819-997-4045.

National Parks Act, sections 9 and 10

HER/R-4-L

To be published in Canada Gazette April 30, 1997

The Student Employment Programs Exclusion Approval Order and Regulations (SOR/97-194, OIC 1997-488)

The present exclusion approval order excludes the hiring of students for Student Employment Programs identified by Treasury Board from the application of the Public Service Employment Act with the exception of subsections 16(4) and 17(4).

This will have the effect of ensuring that students hired under the student program will no longer be considered full employees, will not become eligible to compete in competitions limited to employees, and will not have the same working conditions as regular employees.

The regulations pertaining to the order govern the way in which positions are staffed for these programs, namely, that Deputy heads have the authority to make appointments of persons who possess the competencies required for the work to be performed. Appointments are subject to terms and conditions established by the Public Service Commission which remains responsible for referring candidates to departments.

Contact: Michel Lajoie, Project Leader, Staffing Policy and Program, Development Directorate, Public Service Commission, L'Esplanade Laurier, Ottawa, Ontario, K1A 0M7. Tel: 613-992-4530.

Public Service Employment Act, subsections 37(1) and 41(1) and (2)

Not included in Regulatory Plan

To be published in Canada Gazette April 30, 1997

Pre-Published and Approved No comments or changes

Statutory Authority & Regulatory Plan Listing

Regulations Respecting the Co-ordination by Federal Authorities of the Environmental Assessment Processes and Requirements (Federal Co-ordination Regulations) (SOR/97-181, OIC 1997-475)

The purpose of this initiative is to regulate activities of government departments and agencies, to ensure that federal environmental assessment is efficiently coordinated among federal authorities.

The regulations are designed to reduce the likelihood of more than one environmental assessment being done for a project.

To accomplish this, the regulations require:

- identification and notification of federal authorities that may be involved in a project as responsible authorities or as expert departments according to a timeline;
- consultation among federal authorities regarding the scope of the environmental assessment for the project;
- release of environmental assessment determinations by all responsible authorities according to an agreed schedule; and
- coordination of all responsible authorities' interests and involvements in comprehensive study recommendations.

The regulations were pre-published in the Canada Gazette, Part I, on Jan. 4, 1997. Contact: Jim Clarke, Canadian Environmental Assessment Agency, 200 Sacre-Coeur Boulevard, 14th Floor, Hull, Quebec, K1A 0H3. Tel: 819-997-2253; Fax: 819-994-1469.

Canadian Environmental Assessment Act, paragraph 59(a)

CEAA/97-3-L

To be published in Canada Gazette April 30, 1997

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

Immigration Regulations, 1978, amendment (Determination Refugee Claimants in Canada Class); Immigration Regulations, 1978, revocation (Deferred Removal Orders Class) (SOR/97-182, OIC 1997-476)

The purpose of these regulations is to adjust Canada's humanitarian review processes to ensure that people in need are allowed to remain in Canada while making certain that the review procedures themselves do not act as impediments to the expeditious removal of those who do not merit admission on humanitarian grounds.

The amendments, pre-published in the Canada Gazette Part I on January 4, 1997, covered two classes of immigrants: the Post-Determination Refugee Claimants in Canada Class (PDRCC); and the Deferred Removal Orders Class (DROC).

With respect to the PDDRC, the key changes include:

- failed refugee claimants are no longer deemed to have applied for permanent residence as members of the PDRCC class;
- failed claimants will have to apply within 15 days to obtain a review of their case. A 30-day period will be allowed, subsequent to the application, for receipt of any submissions the applicant may wish to file in support of that application. Reviewing officers will also be given the authority to consider any written submissions received prior to notification of the decision to the claimant.

Immigration Act, subsections 6(5) and 114(1)

Not included in Regulatory Plan

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Pre-Published and Approved With comments or changes

Statutory Authority
&
Regulatory Plan Listing

- eligibility will also be denied to failed refugee claimants convicted of serious crimes (those calling for sentences of 10 years or more under any act of Parliament) and those who have committed a crime against peace, war crimes, crimes against humanity, or who have been guilty of acts contrary to the purposes and principles of the United Nations.
- eligibility will also be denied to any failed refugee claimant who has departed Canada and returns to Canada from contiguous territory (United States of America, Saint Pierre and Miquelon) to file a second refugee claim within six months of the date of departure. These people have already benefited from the opportunity of a risk review subsequent to the initial refugee claim.
- in order to prevent retroactive application of the changes, all failed refugee claimants who are currently “deemed applicants” and for whom a decision remains pending on the day on which these regulations come into force will continue to be considered as “deemed applicants for landing”. In all other aspects, however, their applications will be processed in accordance with these amended regulations.

In a controversial change, these amendments also revoke the *Deferred Removal Orders Class Regulations* and provide for a transitional provision which allows persons who meet the membership requirements for the class immediately before the repeal of the regulations to submit an application for landing not later than 120 days after becoming members of the class. This option removes the incentive for persons to delay removal, while allowing for applications which are in progress to continue to be processed. Comments about this change were generally negative, the changes being viewed as a move which would return failed refugee claimants to a situation of indefinite limbo and possible return to countries where they would be at risk.

Contacts: Craig Goodes, Director Asylum Division, Refugees Branch, Citizenship and Immigration Canada, 365 Laurier Avenue West, Ottawa, Ontario, K1A 1L1. Tel: 613-957-5867; Fax: 613-957-5869. Susan Leith, Director, Investigations and Removals Enforcement Branch, Citizenship and Immigration Canada, 300 Slater Street Ottawa, Ontario K1A 1L1. Tel: 613-954-5628; Fax: 613-954-5238.

Humanitarian Designated Classes of Regulations (SOR/97-183, OIC 1997-477); Immigration Regulations, 1978, amendment (Private Sponsorship of Refugees Program) (SOR/97-184, OIC 1997-478)

These changes establish the *Humanitarian Designated Classes Regulations*, providing for the selection overseas of persons identified as requiring humanitarian consideration and consolidating a number of different mechanisms now in place.

The new regulations create two new designated classes: the Source Country Class and the Asylum Country Class. These two classes, together with Convention refugees selected abroad, comprise Canada’s resettlement from abroad program.

The changes also amend those sections of the *Immigration Regulations, 1978* which govern the Private Sponsorship of Refugees Program, in support of the introduction of the new Humanitarian Designated Classes Regulations.

While the selection of Convention refugees continues as under previous regulations, eligibility for selection under the two new classes is based on more universal criteria and applies to individuals who find themselves in “refugee-like” situations.

Immigration Act, subsection 6(8) and section 114

CIC/95-12-M

To be published in Canada Gazette April 30, 1997

Pre-Published and Approved With comments or changes

**Statutory Authority
&
Regulatory Plan Listing**

Both the Asylum Country Class and the Source Country Class include those who have been and continue to be seriously and personally affected by civil war or armed conflict and for whom there is no possibility, within a reasonable period of time, of a durable solution.

The Asylum Country Class covers those suffering from massive violations of human rights. Persons selected under this class are required to be outside of their country of citizenship or habitual residence and must be sponsored under the Private Sponsorship of Refugees Program. There is no schedule of countries for this class.

The Source Country Class includes those residing in their country of citizenship or habitual residence. The class includes those who have suffered serious deprivation of their civil rights and have been detained or imprisoned as a consequence. The closest parallel for this class under the regulations is the Political Prisoners and Oppressed Persons Designated Class, which currently applies only to nationals of Guatemala and El Salvador. Persons who qualify may be selected either under government assistance or private sponsorship.

A schedule of countries whose nationals would be admissible for Source Country consideration will be created. This schedule will be monitored on a regular basis, with additions and deletions made as required, under established criteria.

Provisions have been made to include a sunset clause for the two new classes which comes into effect one year after the date of proclamation. This will allow for a review and assessment of the impact of these new regulations.

The Asylum Country, Source Country and Convention Refugee Class regulations also introduce two amendments to the Private Sponsorship of Refugees program. Changes to the regulations will now explicitly set out the legal framework to support the government's current practice of entering into sponsorship agreements with major refugee-sponsoring organizations.

Two groups are currently eligible to sponsor under the Program: corporations and groups of five individuals. Under the changes, sponsorship by a group of five continues. Persons eligible under the Asylum Country must be sponsored under the Private Sponsorship of Refugees Program. Members of the Source Country may also be privately sponsored.

The changes will now provide an immigration officer with the discretion to determine an appropriate period of sponsorship to a maximum of two years with the agreement of the sponsoring groups. Previously, the period was limited to a year.

Criteria will be developed to allow visa officers to identify those persons requiring longer than one year to successfully establish in Canada.

Reference in the regulations to an umbrella class, formerly referred to as the Resettlement from Abroad Class (RAC), is no longer required and will be deleted.

Contact: Bruce Scoffield, A/ Director, Resettlement Division, Citizenship and Immigration Canada Journal Tower South, 17th Floor, 365 Laurier Avenue West, Ottawa, Ontario K1A 1L1. Tel: 613-957-5854; FAX: 613-957-5836.

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

Fees for a registration application examination service, for a right or privilege to manufacture or sell a pest control product and for establishing a maximum residue limit Regulations (SOR/97-173, OIC 1997-467); Pest Control Products Regulations, amendment (SOR/97-174, OIC 1997-468)

The amendments revoke the current fee regulations for pest control products and prescribe new user fees for the right and privilege to manufacture or sell pest control products in Canada and for services provided by the Pest Management Regulatory Program for examining applications for registration of pest control products.

The proposed cost recovery initiatives would recover an estimated \$12-million per year, of the \$27.3-million in direct and indirect costs for the program in 1997-98.

The application fees, which would be charged for the majority of the applications for registration of pest control products, include both a screening fee and an examination fee. The application fees would not apply to submissions received before March 1995; new fees apply to work elements started during and after April 16, 1997, the date the regulations come into effect.

As a result of concerns that followed prepublication of the proposed regulations in the Canada Gazette, Part I, the changes reflected in the final rules include:

- an exemption from fees for "own use imports" by farmers;
- a reduction in the minimum maintenance fee by 50% to \$75, to assist small market, niche products;
- a change in the payment schedule, to improve cash-flow, so that 25% is now due at the preliminary deficiency review stage, instead of 65%, which will now be due at the submission evaluation stage; 10% will still be due at the screening stage;
- the final 65% payment will not be required if a submission is withdrawn or rejected during preliminary deficiency review stage;
- the fee for toxicology data accompanying and application for a new or amended product representing a new use or formulation has been reduced to \$35,456 from \$98,248.
- companies may now apply for a fee reduction based on certification by a company CEO or financial officer that sales figures are accurate, subject to the provision of audited records if requested;
- given the intent to transfer responsibility for hard surface disinfectants to Health Canada, the fees are being adjusted to ensure there is no duplication of fees.

The proposed regulations were republished in the Canada Gazette, Part I on Jan. 11, 1997; for more background on the proposals, see *Regulatory Affairs*, Vol. 3, No. 3, pp. 1-2, Feb. 1, 1997.

Contact: Grace Lewis, Publications Coordinator, Pest Management Regulatory Agency, Sir Charles Tupper Building, Room D633, 2250 Riverside Drive, Address Locator 6606D1, Ottawa, Ontario, K1A 0K9. Tel: 613-736-3592; Fax: 613-736-3666.

Pest Control Products Act, paragraph 6(1)(d);
Financial Administration Act, section 19.1 and paragraph 19(1)(a)

HC/96-38-M

To be published in Canada Gazette April 16, 1997

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

Federal Child Support Guidelines (SOR/97-175, OIC 1997-469)

The Guidelines provide detailed rules for the calculation of child support, based on a numerical formula. The Guidelines contain detailed tables for calculating federal child support (simplified tables will be issued to the public, to facilitate their use).

The Guidelines are intended to be applied in most cases as a rebuttable presumption, i.e. apply unless application would cause undue hardship. However, in certain situations the guidelines will be advisory, such as where the child is over the age of majority, physical custody of the child is shared in a substantially equal way and the payor earns over \$150,000.

Minor administrative changes have been made to the proposals following comments from a few individuals and four provinces, after republication in the Canada Gazette, Part I, on March 8, 1997 (see *Regulatory Affairs*, Vol. 3, No. 9, pp. 4-5, March 15, 1997).

The mathematical formula chosen incorporates two elements: a method of determining the costs of raising a child used by Statistics Canada; and a method for sharing these costs between the parents. The formula then generates a series of fixed percentages that represent the award levels to be paid by the non-custodial parent.

These amounts vary according to the income of the noncustodial parent and the number of children. The custodial parent is expected to pay a similar percentage of his or her income to meet all the needs of the children.

There are separate tables for each province. The amounts vary from one province to another because of differences in provincial income tax rates. Changes will be made to the tables via regulations when there are significant changes to relevant federal, provincial and territorial tax rates. In addition to the base amount found in the table, a court may award additional amounts to cover special child-related expenses.

Six categories of special child-related expenses can be added to the Table amounts if they are reasonable and necessary in light of the needs of the child and means of the parents:

- child care expenses;
- portion of the medical and dental insurance coverage attributable to the child;
- health-related expenses;
- educational expenses;
- expenses for post-secondary education; and
- extraordinary expenses for extra-curricular activities.

A court will be able to award more or less than the table amount plus allowable special expenses if this total amount causes “undue hardship” to either parent or to the child. The party pleading undue hardship will have to show that he or she has a lower household standard of living than the other party. An advisory test is provided in Schedule II to assist in the calculation of the household standards of living.

Examples of situations which might justify a finding of undue hardship are not limited, but include: an unusually high level of debt reasonably incurred to support the family or earn a living; significant access expenses, such as travel or accommodation costs; and obligations for the support of other children, or spousal support obligations.

Contact: Lise Lafreniere Henrie, Coordinator, Policy Development, Child Support Team, Justice Department, Ottawa, Ontario, K1A 0H8. Tel: 613-957-0059; Fax: 613-952-9600.

An act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment Attachment and Pension Diversion Act and the Canada Shipping Act, (Bill C-41)

JUS/96-166-01

To be published in Canada Gazette April 16, 1997

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

Release of Information for Family Orders and Agreements Enforcement Regulations, amendment (SOR/97-178, OIC 1997-472); Family Support Orders and Agreements Garnishment Regulations, amendment (SOR/97-179, OIC 1997-473); Denial of Licences for Family Orders and Agreements Enforcement Regulations (SOR/97-180, OIC 1997-474); Garnishment and Attachment Regulations, amendment (SOR/97-176, OIC 1997-470); Pension Diversion Regulations, amendment (SOR/97-177, OIC 1997-471)

An act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment Attachment and Pension Diversion Act and the Canada Shipping Act, (Bill C-41)

These amendments make changes to improve federal enforcement procedures and are required to reflect amendments made to these Acts by Bill C-41 which enacts the government's new child support strategy. Included are new support enforcement measures to ensure that family support obligations are respected, as well as minor amendments intended to improve administration of the service provided by the Acts.

JUS/92-14-L, JUS/93-12-L, JUS/94-16-L, JUS/97-3-I, JUS/97-4-I, JUS/97-5-I

Minor technical amendments have been made since the proposals were pre-published March 8, 1997; for more information on the details of the proposals, see *Regulatory Affairs*, Vol. 3, No. 9, pp. 5-6, March 15, 1997).

To be published in Canada Gazette April 16, 1997

The specific changes to the *Release of Information for Family Orders and Agreements Enforcement Regulations* (under Part I of the *Family Orders and Agreements Enforcement Assistance Act*) include:

- Section 3, that designates the information banks that may be searched, are amended to add information banks controlled by the Department of National Revenue and to reflect the amendments to the description of the designated data-banks and update the named departments;
- Section 4 are amended to reflect the changes made to section 13 and subsection 14(3) of the Act by Bill C-41 respecting supporting documents that must accompany an application. Also, a new subsection would be created to prescribe the manner in which an application for the searching of information banks by a provincial enforcement service under this Part may be made;
- the application form used to initiate an information search are revised to reflect the above-noted changes to the Regulations and the Act made by Bill C-41 and would be updated to ensure its compatibility with automated systems;
- the affidavit form are revised to make some minor corrections.

The Regulations under Part II of the Act establish procedures for the garnishment of federal moneys to satisfy support orders. The Regulations designate certain source funds as "garnishable moneys" and establish a procedure for the processing of summonses.

Bill C-41 amends Section 28 in Part II of the Act to remove the requirement that a copy of the support order or agreement be served on the Minister. This amendment improves administrative efficiency by avoiding duplication. All relevant information found in the support order is already contained in the garnishee summons which has to be served on the Minister pursuant to subsection 28(a).

The specific changes to the *Family Support Orders and Agreements Garnishment Regulations* (under Part II of the *Family Orders and Agreements Enforcement Assistance Act*) include:

- a consolidation of the amendments previously published in the Canada Gazette, Part I on October 5, 1996

Pre-Published and Approved With comments or changes

Statutory Authority
&
Regulatory Plan Listing

- the source funds created under the *Agricultural Stabilization Act* and the *Western Grain Stabilization Act* are deleted, as the Acts were repealed in 1991 and funds are no longer available;
- Section 9 of the Regulations is amended to prescribe a 20-day time period within which the Minister must notify the debtor of service of a garnishee summons. This is as a result of an amendment to section 45 of the Act in 1993. The Notice to the debtor, which is Schedule II to the Regulations, would also be revised to show the date of receipt of the garnishee summons and to provide more information to the debtor; and
- the application form to start garnishment proceedings under Part II of the Act is a Schedule to these Regulations and is, therefore, also being changed to reflect the Bill C-41 amendment that removes the requirement that a copy of the support order or agreement be served on the Minister. Additional minor modifications to the presentation of the form will not affect the actual information that is collected, but will ensure the form's compatibility with automated systems.

Clause 22 of Bill C-41 adds a new Part III to the Family Orders and Agreements Enforcement Assistance Act to create a scheme for the denial of certain federal licences to assist in the enforcement of family support obligations and section 78 authorizes the Governor in Council to make regulations prescribing anything that by this Part is to be or may be prescribed.

Further to this authority, regulations to be cited as the *Denial of Licences for Family Orders and Agreements Enforcement Regulations* are created that:

- set out the prescribed licence denial application form and the prescribed form of the affidavit that must accompany the licence denial application through Schedules I and II;
- identify the prescribed information concerning the identity of the debtor and the support order or support provision that must be contained in the application;
- set out the prescribed form respecting the request for the termination of a licence denial application through Schedule III; and
- set out the prescribed manner in which documents are to be provided to the Minister of Justice.

Bill C-41 amends the *Garnishment Attachment and Pension Diversion Act* to remove the requirement to serve a notice of intention to garnishee Her Majesty prior to service of the garnishee summons. This will facilitate the administration of the garnishment process for the courts and support enforcement programs and is consistent with provincial and private industry garnishments which do not have notice requirements. The amendments to the Act contained in Bill C-41 establish a new procedural framework for garnishments of federal salaries. Identical changes have been made both in Division I (Department and Certain Crown Corporations) and in Division IV (Senate, House of Commons and Library of Parliament).

The amendments to the *Garnishment and Attachment Regulations* also consolidate amendments to these Regulations which were previously published in the Canada Gazette, Part I on October 5, 1996. The amendments to the *Garnishment and Attachment Regulations* include:

- Section 3 would be amended and a new application form is created as a revised Schedule I to the Regulations;
- nine addresses for service of documents are updated;
- the existing Schedule II is revoked;

Pre-Published and Approved With comments or changes

Statutory Authority
&
Regulatory Plan Listing

- references to sections of the Garnishment Attachment and Pension Diversion Act and the Public Service Employment Act are updated; and
- section 5 is updated.

Bill C-41 amends Part II of the *Garnishment Attachment and Pension Diversion Act* to make pension diversion for support enforcement purposes more effective and available to custodial parents who have moved outside the country.

Among the amendments to these *Pension Diversion Regulations* are:

- the creation of a new application form for information pursuant to new section 35.3 of the Act, providing an address for service for the application and setting out the information to be provided by the Minister;
- the updating of the address for service of documents where the recipient was a member of the House of Commons.

Contact: Kathleen Fawcett, Counsel, Enforcement Coordinator, Child Support Team, Department of Justice, Ottawa, Ontario, K1A 0H8. Tel: 613-957-0229; Fax: 613-952-9600.

Ministerial Orders Approved

Statutory Authority
&
Regulatory Plan Listing

Domestic Substances List, amendments (SOR/97-195,; SOR/97-196; SOR/97-197)

Two of the amendments add four and 17 substances respectively to Part I of the Domestic Substances List (DSL). The third Order amends sections 1 and 2 of the DSL and adds a Part III (biotechnology products, other than those assigned a confidential substance identity number) and a Part IV (biotechnology products assigned a confidential substance identity number). It adds 22 enzymes, 13 hemicellase enzymes, and 22 organisms; no biotechnology products, other than enzymes and organisms, are added.

The Orders come into effect on April 8, 1997.

Contacts: Daniel Dubé, Head, New Substances Notification Section, New Substances Division, Commercial Chemicals Evaluation Branch, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-997-3203; Arthur Sheffield, Chief, Economic Assessment Branch, Response Assessment Directorate, Department of the Environment, Hull, Quebec K1A 0H3. Tel: 819-953-1172.

Canadian Environmental Protection Act, subsection 25 (1)

Not included in Regulatory Plan

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