

# Tracking Federal Regulatory Initiatives

# Regulatory Affairs

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<b>Proposed Regulations for Pre-Publication in Part I, Canada Gazette</b>	<b>Statutory Authority &amp; Regulatory Plan Listing</b>
<p><b>Order Establishing Specifications Relating to Non-Automatic Weighing Devices; Order Regarding Weights and Measures Specifications</b></p> <p>The proposed Orders would enact up-dated legal specifications for non-automatic weighing devices, to recognize new technology and to make them more compatible with standards applied by Canada's major trading partners.</p> <p>The enactment of the Orders would make some sections of the <i>Weights and Measures Regulations</i> and <i>Ministerial Specifications</i> redundant or contradictory; these sections would be revised or revoked (e.g., the <i>Weights and Measures Specifications SGM-2</i> and the <i>Vehicle Scale Specifications</i> would be repealed).</p> <p>Device manufacturers may have to modify the design of some models; however, modified models will be acceptable in Canada and the United States, since the proposed new standards would be compatible to the U.S. standards.</p> <p>Comments can be made for 60 days after publication of the proposed orders, which would come into effect September 1, 1997.</p> <p>Contact: Julian Emanuel, Senior Program Officer, Legal Metrology Branch, Department of Industry, 110 O'Connor Street, Ottawa, Ontario, K1A 0C9. Tel: 613-952-2629; Fax: 613-952-1736.</p>	<p><i>Weights and Measures Act</i>, paragraph 10(1)(i); <i>Weights and Measures Regulations</i>, sections 13 and 27</p> <p>Not included in Regulatory Plan</p> <p>Published in Canada Gazette May 17, 1997</p>

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## Exempt from Pre-Publication and Approved

## Statutory Authority & Regulatory Plan Listing

### **Employment Insurance Regulations (Minor Changes to the Adjustment Projects on Small Weeks), amendments (SOR/97-265, OIC 1997-730)**

This amendment ensures consistency of treatment for borderline weeks in December 1996, insured under the 1997 insurability rules, so that they will be included in the small weeks projects and treated the same as any other 1997 small week of work.

The small weeks adjustment projects were designed to reduce the negative effect of small weeks of earnings on the calculation of a person's weekly EI benefit rate. The intent was always to include the last weeks in December 1996 in the projects if they had been insured under the 1997 hourly rules. If they had been assessed under the 1996 rules, weekly earnings under \$150 would not have affected weekly benefit rate, because 1996 rules on weekly minimums ignored weeks under \$150 for insurability.

Contact: Glenn Ramsay, Senior Policy Advisor, Policy and Legislation Development Insurance, Human Resources Development Canada, 140 Promenade du Portage, 11th Floor, Ottawa, Ontario, K1A 0J9. Tel: 819-994-6044; Fax: 819-953-9381.

### **Radiocommunications Regulations, miscellaneous amendments (SOR/97-266, OIC 1997-731)**

These amendments correct omissions and inconsistencies included in the Regulations that were published in the Canada Gazette, Part II on November 27, 1996.

More specifically, the amendment package:

- repeals the *Private Receiving Antennae Construction Order*;
- makes a minor editorial change to the French draft of Schedule II by adding the word "radio" to items 2 and 3 of column I;
- removes items 7 and 8 of the Schedule, since these items are dealt with via section 35 of the Regulations;
- makes non-substantive clarifications to the information found in column II at items 3 to 6 and 9 to 14; and
- makes a minor non-substantive modification to the title that precedes section 72 found at Part VIII of the regulations respecting radio licence fees.

Contact: Angela Poetter Briginshaw, Manager, National and International Regulations, Radiocommunications and Broadcasting Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel: 613-998-2927; Fax: 613-993-4433; e-mail: briginshaw.angela@ic.gc.ca.

### **Queen's Regulations and Orders for the Canadian Forces (Spousal Employment Assistance)**

These regulations allow members of the armed forces to be reimbursed for the actual and reasonable costs of having a curriculum vitae professionally prepared to assist the spouse in finding suitable employment. Members are entitled to this benefit where their dependents are moved under article 209.82 (Movement of Dependents) and where their spouse was employed immediately prior to the move.

These regulations, based on the concept of comparability, provide a benefit comparable to the one available in the Public Service. The benefit is limited to an amount that will be prescribed from time to time in Treasury Board directives applicable to public servants.

The regulations, retroactive to April 1, 1995, will result in an estimated expenditure of \$2,500,000 in fiscal year 1996/97 and \$1,600,000 annually thereafter.

Contact: Major W.J. Callaghan, Staff Officer, Department of National Defence, Ottawa, Ontario, K1A 0K2. Tel: 613-995-8530.

*Employment Act*, section 109

Not included in Regulatory Plan

To be published in Canada Gazette June 11, 1997

*Radiocommunications Act*, section 6

Not included in Regulatory Plan

To be published in Canada Gazette June 11, 1997

*National Defence Act*, subsection 12(1)

Exempt

Not published in Canada Gazette

## Exempt from Pre-Publication and Approved

## Statutory Authority & Regulatory Plan Listing

### **Order Respecting the Remission of Anti-Dumping Duties on Certain Prime-Quality, Corrosion-Resistant Steel Sheet for use in the Manufacture of Motor Vehicle Parts (SOR/97-268, OIC 1997-780)**

The remission Order reimburses anti-dumping duties collected on imports of prime-quality corrosion-resistant steel sheet in cut lengths and coils for use in the manufacture of motor vehicle parts, from October 31, 1996, when the domestic supply situation for this product first became a problem.

The remission also waives anti-dumping duties that would otherwise be payable on imports of prime-quality corrosion-resistant steel sheet in cut lengths and coils for use in the manufacture of motor vehicle parts, up to and including June 30, 1997, when it is expected that the current backlog in corrosion-resistant steel orders will be cleared-up.

The remission is intended to alleviate the current domestic short supply situation for the subject steel and ensure that Canadian automotive parts manufacturers can satisfy their existing orders as well as bid on new contracts.

Prior to the expiration of the remission Order, the situation can be reassessed to determine whether the short supply situation has abated.

The Order would remit an estimated \$2.0 million in anti-dumping duties already assessed/collected as well as an estimated \$1.2 million in anti-dumping duties otherwise payable on future importations up to and including June 30, 1997, when it is expected that the current short supply situation will be eliminated.

Both the steel producers concerned, (i.e., Stelco and Dofasco) and automotive parts manufacturers as well as the Canadian Steel Producers Association and the Automotive Parts Manufacturers Association were consulted.

Importers who take advantage of the remission Order will be subject to post-audit verification conducted by Revenue Canada to ensure that all conditions to which the remission is subject are satisfied.

In cases where the anti-dumping duties were paid at the time of importation, remission will be granted by filing a remission claim supported by such evidence as Revenue Canada may require. In respect of future importations, Revenue Canada will apply appropriate procedures to establish eligibility for remission prior to importation.

Contact: P. M. Saroli, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-995-1965.

### **Boating Regulations, amendment (SOR/97-269, OIC 1997-781)**

These routine amendments impose restrictions on boats, mode of propulsion, engine power limits, as well as restrictions on the location and time of water-skiing activities and regattas, with respect to specified bodies of water in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Quebec.

Contact: Jean Pontbriand, AWEB, Office of Boating Safety, Canadian Coast Guard, Department of Fisheries and Oceans, 9th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel: 613-998-1433; Fax: 613-996-8902.

*Customs Tariff*, Section 101

FIN/97-13

To be published in *Canada Gazette* June 11, 1997

*Canada Shipping Act*, subsections 562(2)-(4)

F&O/R-3-L

To be published in *Canada Gazette* June 11, 1997

## Exempt from Pre-Publication and Approved

### Statutory Authority & Regulatory Plan Listing

#### **Marine Transportation Security Regulations (Cruise Ships and Cruise Ship Facilities) (SOR/97-270, OIC 1997-782)**

*Marine Transportation Security Act*

TC/97-3-1, TC/97-4-1

To be published in Canada Gazette June 11, 1997

These regulations are designed to prevent acts of violence from being directed against the Canadian cruise ship industry and lessen the effects of any such acts which may occur. The regulations apply to Canadian vessels and vessels operating in Canada which have sleeping facilities for over 100 persons who are not crew members, and to any part of a marine facility in Canada where such vessels dock in order to load or unload passengers or goods. The regulations do not apply to vessels engaged in passenger or cargo ferry service.

More specifically, the regulations require operators of cruise ships, and cruise ship facilities where passengers embark and disembark, to implement security to prevent acts of violence.

The United States implemented rules for security of passenger vessels and passenger terminals on October 16, 1996, and has authority to issue travel warnings about destinations it considers to have inadequate security arrangements in place. Approximately 85% of passengers on cruise ships in Canada are American citizens. The Canadian regulations are designed to maintain its competitive position by ensuring that elements of the cruise ship industry operating in Canada also provide appropriate security.

Security costs for cruise ship operators include costs for the development of security plans, training of crew members with security responsibilities, and costs to screen passengers to prevent weapons being brought aboard.

Although most cruise ships already have security plans, these proposed regulations will result in the need to review and update them.

In Canada, at locations where passenger security screening is carried out, the average cost including administration, equipment, maintenance, and training, is approximately \$2 per passenger. By contrast, the average cost of a cruise to each passenger is approximately \$200 per day.

During consultations, some cruise ship operators held the view that the responsibility for security should be shared equally by both the cruise ship operator and the facility operator. While both the cruise ship operator and the facility operator have security responsibilities, the regulations place the responsibility for security screening on cruise ship operators because: the primary purpose of screening is to protect the cruise ship and persons on board; confusion about who is responsible for screening is eliminated; costs associated with redundancy are minimized; and, cruise ship operators are able to call at facilities which may not possess screening resources.

In some instances, the division of responsibilities in the draft regulations was unclear to some stakeholders. Sections of regulations that created confusion have been revised to clarify division of responsibilities.

Earlier draft regulations proposed that port operators be responsible for areas of ports where cruise ships docked. To overcome concerns expressed by port operators, the regulations specify that cruise ship facility operators rather than port operators will be responsible to ensure compliance with security requirements.

Contact: Jim Marriott, Acting Director, Security Policy, Planning and Legislative Programs (ABA), Transport Canada, Place de Ville, Tower "C", 13th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel: 613-990-5520; Fax: 613-996-6381.

## Pre-Published and Approved No comments or changes

### Statutory Authority & Regulatory Plan Listing

#### **Laurentian Pilotage Authority Regulations, amendment (SOR/97-262, OIC-1997-727)**

The amendment clarifies paragraphs 20(1)(b) and 20(2)(b), to state more clearly the number of pilotage assignments a pilot, holding a Class B or Class C licence, must make during the 12 months before making an application for a licence in District No. 1 and District No. 2.

The amendment also clarifies an inconsistency between the French and English in subparagraph 20(1)(a)(i), to clarify the period of service that an applicant must serve in District No. 1 and No. 2 for a Class B pilot's licence.

The proposed amendments were prepublished in the Canada Gazette, Part I on Jan. 25, 1997.

Contact: Jean-Claude Michaud, Chairman, Laurentian Pilotage Authority, P.O. Box 680, Tour de la Bourse, Montreal, Quebec, H4Z 1J9. Tel: 514-283-6320; Fax: 514-496-2409.

#### **Government Property Traffic Regulations, amendment**

The amendments to the Regulations provide for the administrative arrangements necessary for the operation and enforcement of the Regulations on the Confederation Bridge. They amend those provisions of the Regulations which identify a linkage to provincial legislation governing highway traffic.

Specifically, the amendments establish a link between the laws of the Province of Prince Edward Island and the Regulations. The amendments also provide a definition of "Confederation Bridge".

The regulations were prepublished in the Canada Gazette, Part I, On April 26, 1997; no comments were received.

Contact: Christian H. Kroeger, Security Policy and Planning Directorate, Public Works and Government Services Canada, Hull, Quebec, K1A 0S5. Tel: 819-956-2236; Fax: 819-956-4962.

*Pilotage Act*, subsection 20(1)

Not included in Regulatory Plan

To be published in Canada Gazette June 11, 1997

*Government Property Traffic Act*

Not included in Regulatory Plan

To be published in Canada Gazette June 11, 1997

## Pre-Published and Approved With comments or changes

### Statutory Authority & Regulatory Plan Listing

#### **Food and Drug Regulations, amendment (Schedule No. 719) (SOR/97-263, OIC 1997-728)**

The amendments provide flexibility to the food industry with respect to the development of new products and would reflect current industry practices. More specifically, the changes:

- revise the standards for cocoa butter, cocoa nibs and chocolate to enhance quality parameters;
- establish new compositional standards for white chocolate, and bittersweet chocolate, semi-sweet chocolate and dark chocolate, thereby providing an enhanced level of assurance regarding the composition and consistency of such products;
- modify the following standards to more clearly distinguish differences in product composition: cocoa liquor, cocoa mass, unsweetened chocolate, bitter chocolate, and chocolate liquor; sweet chocolate; milk chocolate; cocoa and cocoa powder; and low fat cocoa powder;

*Food and Drugs Act*, c.F-27, subsection 30(1)

HC/93-54-I

To be published in Canada Gazette June 11, 1997

## Pre-Published and Approved With comments or changes

Statutory Authority  
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Regulatory Plan Listing

- enhance the opportunity for innovation and provide greater flexibility to manufacturers by permitting the addition of a broader range of milk and sweetening ingredients to cocoa and chocolate products and by permitting the use of additional pH adjusting agents in cocoa products and emulsifying agents in chocolate products.

For pH adjusting agents and emulsifying agents, the proposals represent an extension of use. These proposed extensions of use have been evaluated from the standpoint of health and safety and are considered acceptable.

The proposed amendments would provide enhanced assurance regarding the composition of cocoa and chocolate products in the Canadian marketplace. It could also permit greater innovation within the industry by permitting the use of a broader range of milk ingredients, sweetening ingredients and food additives.

As a result of a number of comments following prepublication in the Canada Gazette Part I on March 25, 1996, a number of changes were made to the proposals, including:

- butter and butter oil has been included for technological reasons (to prevent bloom during chocolate manufacturing);
- whey and whey products can be included on an optional basis after achieving the level specified in the standard for milk solids through the use of other milk products;
- icing sugar has been deleted from the list of sweetening agents listed in B.04.001, since no rationale for retaining this ingredient was obtained.
- to simplify the format of the amendment, the term “sweetening ingredients” refers to “sweetening agents” in Division 18 of the Food and Drug Regulations, rather than itemizing each one.
- use of hydroxylated lecithin in addition to lecithin under sections B.04.006, B.04.007, B.04.008, B.04.009, B.04.010 and B.04.011 is permitted, since the use of both of these food additives is permitted for chocolate in Table IV of Division 16, of the *Food and Drug Regulations*;

A request by two respondents that the use of antioxidants be permitted for white chocolate under B.04.008 will be the subject of a separate proposed amendment to section B.04.008, since there is currently no provision for the use of antioxidants in standardized products other than those specifically identified in Table VI of Division 16 of the *Food and Drug Regulations*.

Contact: Director, Bureau of Food Regulatory, International & Interagency Affairs, Health Canada, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1748; Fax: 613-941-3537.

### **Motor Vehicle Safety Regulations, amendment (Section 103, “Windshield Defrosting and Defogging”; Section 104, “Windshield Wiping and Washing System”; and Section 114, “Locking System”) (SOR/97-264, OIC 1997-729)**

The amendment changes the test procedure contained in section 103 to make it applicable to electrically powered vehicles, and clarify the terminology used in section 104. In addition, a compliance test procedure for key-transmission-shift interlocks is added to section 114, and the provisions governing locking and transmission override devices are strengthened, to increase the level of theft protection.

The main purpose of the amendment is to harmonize the Canadian and U.S. requirements that govern the windshield defrosting and defogging system, the windshield wiping and washing system, and the locking system.

*Motor Vehicle Safety Act*,  
S.C., 1993, C. 16

Not included in Regulatory Plan

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## Pre-Published and Approved With comments or changes

Statutory Authority  
&  
Regulatory Plan Listing

More specifically:

- With respect to windshield defrosting and defogging, Section 103 requires that every vehicle must be equipped with a windshield defrosting and defogging system that conforms to specific requirements, some of which are contained in SAE Recommended Practices J902 (August 1964) and J902a (March 1967), both entitled *Passenger Car Windshield Defrosting Systems*. At the time this section was first written, all vehicles were powered by internal combustion engines, and the windshield was defrosted and defogged by heat transferred from the engine coolant through a heat exchanger. Electrically powered vehicles use an auxiliary combustion fuel heater or an electric resistance heater, not heat from the engine, to defrost and defog their windshields. At present, section 103 allows an engine warm-up period in its cold weather starting procedure, which is inappropriate for electrically powered vehicles. This amendment would change the test procedure so that it was suitable to both electrically powered vehicles and those equipped with internal combustion engines.
- With respect to the windshield wiping and washing system, section 104 prescribes a performance-oriented standard for windshield wiping and washing systems in which specific areas established using SAE Recommended Practice J903a, *Passenger Car Windshield Wiper Systems*, (May 1966), must be cleared and washed. As it is currently written, section 104 states that, where the term “manikin H-point” appears in any SAE Standard or Recommended Practice, it shall be taken to mean “seating reference point”, as defined in the *Motor Vehicle Safety Regulations*. On December 2, 1995, a proposal was published in the *Canada Gazette Part I* that would amend the definition of “seating reference point” in such a way that it would not necessarily correspond to the H-point of a seat in its rearmost position, as was previously the case. As a consequence, the meaning of the phrase “manikin H-point with seat in rearmost position”, which is used in SAE J903a, could be ambiguous in some instances. In order to avoid confusion, this amendment would substitute the term “seating reference point” for the terms “manikin H-point”, “manikin H-point with seat in rear-most position”, and “H-point” wherever they are used in an SAE Standard or Recommended Practice.
- With respect to the locking system, in order to minimize theft, section 114 requires vehicles to be equipped with a key-operated locking system that prevents the vehicle from being operated when the key is removed (section 114 applies to all vehicles with a gross vehicle weight rating less than 4,536 kg.). This standard also stipulates that, when the key is not in place, the locking system must prevent the vehicle either from moving or from being steered. In addition, where the vehicle has automatic transmission, it must be equipped with a key-transmission-shift interlock that prevents the key from being removed unless the transmission or transmission control is in the park position, or that locks the vehicle in the park position when the key is removed. This requirement was added mainly to prevent unattended children from moving the transmission shift lever out of the park position, which can cause a rollaway collision. At the moment, there is no compliance procedure to ensure that the transmission or transmission control locks in the park position when the key is removed or becomes locked in “park” as a result of removing the key, or to ensure that the key is not released if the shift lever is between the detent positions. This amendment adds a compliance procedure to test the key-transmission-shift interlock; it would also limit vehicle movement when the transmission is locked in park.

## Pre-Published and Approved With comments or changes

Statutory Authority  
&  
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- In order to allow a disabled vehicle to be towed, section 114 permits the installation of an override device that unlocks the transmission or transmission control; however, due to an oversight, the standard does not require that the steering wheel lock on vehicles equipped with keyless transmission override devices. Theft deterrence is inadequate unless the steering wheel locks when the key is removed from the ignition of a vehicle equipped with a keyless override device. These proposed Regulations would stipulate that steering be prevented when the transmission override device is not activated by the use of a key. To further protect against theft and to prevent easy access by children to keyless transmission override devices, an opaque cover would be required that could only be removed by the use of a tool.
- In addition to permitting the installation of an override device to unlock the transmission or transmission control, section 114 also makes provision for a separate override device that allows the key to be removed from the ignition if the vehicle's electrical system fails. In order to ensure that this override device is used only when necessary, an opaque cover similar to that mandated for keyless transmission overrides would be required.
- Walk-in vans are commercial vehicles that require frequent and easy access because they are used primarily for delivery purposes; consequently, features to prevent rollaway collisions caused by unattended children and theft prevention devices such as those required for other types of vehicles are unnecessary. **Ford Motor Company** has requested that walk-in vans be excluded from the locking system requirements, an exclusion that is already in place in the U. S. This amendment would exempt walk-in vans from having to comply with the requirements of section 114.

Motor vehicle manufacturers and importers were not consulted in the original development of this amendment because the proposed changes are minor in nature and would harmonize Canada's requirements with those of the United States.

No changes were made to the proposals following prepublication in the Canada Gazette, Part I on September 21, 1996. However, the Transport Department will consider a request by Ford Motor Company of Canada, Limited to incorporate the requirements of the U.S. by way of a Technical Standards Document, when sections 103, 104 and 114 are next revised. The Department will also evaluate another proposal by Ford to adopt the EEC's Directive 78/317/EEC, "Defrosting and Demisting System" and Directive 78/318/EEC, "Wiper and Washer Systems", as functionally equivalent to sections 103 and 104 respectively, and as "similar to the Japanese Technical Standards". However, the Department says it does not know whether the requirements of sections 103, 104 and 114 are equivalent in terms of safety to the two EEC Directives.

Contact: Paul Lemay, P.Eng., Automotive Safety Engineer, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel: 613-998-1967; Fax: 613-990-2913; e-mail: lemay@tc.gc.ca.

## Pre-Published and Approved With comments or changes

### Statutory Authority & Regulatory Plan Listing

#### **Pacific Fishery Regulations, 1993, amendment (SOR/97-267, OIC 1997-779)**

The amendment introduces a new minimum size mesh for gill nets used in Pacific salmon fisheries.

As a result of conservation concerns for Fraser River wild coho stocks, which have been in marked decline since the 1970s because of fishing pressures and habitat loss, fisheries managers, in consultation with salmon fishers, have determined that 158 mm is the minimum gill net mesh size that would allow for the harvest of chum salmon on the Fraser River, while minimizing incidental catches of coho, chinook and steelhead.

According to the Fisheries Department, fishers will benefit from the proposed amendment, through stronger Fraser River coho and chinook stocks. Steelhead, important to Aboriginal and sport fishers, will also benefit. Commercial salmon fishers will benefit from fishing opportunities for chum salmon. This action would reduce the need for future additional harvest restrictions.

The changes concerning the gill net mesh size were prepublished in the Canada Gazette, Part I, on March 1, 1997; no comments were received.

Contact: Frances Dickson, Area Chief, Fisheries Management, Fraser River Division, Department of Fisheries and Oceans, 400-555 West Hastings Street, Vancouver, British Columbia, V6B 5G3. Tel: 604-666-6509; Fax: 604-666-7112.

*Fisheries Act*

Not included in Regulatory Plan

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