

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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<p>Honey Regulations, amendment (SOR/97-304, OIC 1997-898); Honey Fees Order (SOR/97-305)</p> <p>The proposed Order and accompanying regulatory amendments would establish fees for the inspection and certification of honey and the registration of establishments that prepare honey.</p> <p>In place of the current free inspection and registration services, the Order establishes the following fees:</p> <ul style="list-style-type: none"> • an annual registration fee of \$100 for producer-graders; • an annual registration fee of \$200 for honey packers and \$400 for pasteurizers; • a fee of \$150 per shipment for honey exported, for the issuance of an export certificate or for inspection of honey being exported; • a fee of \$5 per shipment or 1 cent per kilogram, whichever is greater, for inspection of imports. <p>The proposed fees are expected to cost the honey sector some \$160,000 in annual fees, or just under 20% of recoverable costs.</p>	<p><i>Canada Agricultural Products Act, R.S., c. 20 (4th Supp.)</i></p> <p>Published in the 1996 Plan under the heading "Cost Sharing"</p> <p>To be published in Canada Gazette July 23, 1997</p>

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Amendments to the *Honey Regulations* are also being proposed concurrently, to make appropriate references to the new fees prescribed by the Minister; they also revoke the mandatory requirement for export certification.

The proposed publications were prepublished in the *Canada Gazette*, Part I on Feb. 8, 1997 (see *Regulatory Affairs*, Vol. 3, No. 5, Feb. 9, 1997, p. 1). As a result of comments from smaller producer/packers, the registration fee for packing establishments was reduced from \$400 to \$200.

Contact: R. Carberry, Acting Director, Dairy, Fruit and Vegetable Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-225-2342, ext. 4727; Fax: 613-990-0607; e-mail: rcarberry@em.agr.ca.

Fresh Fruit and Vegetable Remission Order, 1997 (SOR/97-306, OIC 1997-899)

The Order remits all or part of the customs duties on certain quantities of imported fruits and vegetables for further processing, imported by Canadian food processors to fill shortages of domestically grown fruits and vegetables brought about by poor crop conditions or other factors.

The remission of some \$371,838.98 in customs duties serves to offset the additional costs of importing and assists the processors in maintaining their market share and utilizing their production capacity.

The Order amends: Schedule I to the *Customs Tariff* (Parts 1 to 4 of the Order); Schedule II as set out in Part 5 of the schedule to the Order; and the Customs Duties Reduction or Removal Order, 1988 (Part 6 of the schedule to the Order).

Beneficiaries of the remission order are: Carriere Foods Inc., Nabisco Brands Ltd., Snowcrest Packers Ltd., and Strub Brothers Limited. Among the vegetables and fruits covered are asparagus, green beans, cucumbers, peaches, pears and strawberries. Remissions are set out in a Schedule and cover specified imports in one of two years, 1995 and 1996.

Contact: Paul Robichaud, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-2510.

National Parks Cottages Regulations, amendment (SOR/97-307, OIC 1997-900)

The amendment allows for the reconstruction of a cottage that is destroyed or damaged by a natural or accidental cause to its original floor area.

The amendment corrects a situation where the existing regulations would have prevented a cottage built in the Waterton Lakes National Park and later destroyed by fire from being reconstructed to its original size. The cottage had been built before the regulations came into effect. The regulations subsequently had the effect of restricting the construction of the replacement cottage to a floor area considerably smaller than its original dimensions.

For housekeeping purposes, the Regulations are also being amended to update the reference to the National Building Code, which must be met in undertaking any cottage development in a park. A provision is also added to require compliance with the National Fire Code. The principle amendment allows for the reconstruction of all pre-regulation cottages in the cottage areas in all national parks to their original floor areas in the event of fire or other accidental causes.

Contact: Gerard Doré, Chief, Legislative and Regulatory Affairs, National Parks Directorate, Parks Canada, 4th Floor, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel: 819-953-7831; Fax: 819-994-5140.

Customs Tariff, section 101

FIN/97-13

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National Parks Act, subsection 7(1)

Not included in Regulatory Plan

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The Appointment of certain persons to the Department of Agriculture and AgriFood Order and Regulations (SOR-97-308, OIC 1997-901)

The Order is intended to facilitate the appointment, for a specified period, of persons from outside the Public Service to positions at the Horticulture Research and Development Centre in Saint-Jean-sur-Richelieu and at the Lethbridge Research Centre.

This will be accomplished by excluding such appointments from the operation of section 10 of the *Public Service Employment Act* respecting selection according to merit and subsections 29(3), 30(1) and (2), and 39(3) and (4) of the Act and from the operation of any regulations made under paragraph 35(2)(a) of the Act respecting the consideration of persons with priority entitlements.

The individuals are being used by private sector collaborators with the Department of Agriculture and Agri-Food who are undertaking collaborative research.

Persons are recruited primarily for technician (KG) and general labour (GL) positions and also for research scientist (SE-RES) and biologist (BI) positions.

The special treatment will be available on an experimental basis for some two years at the two research centers.

The Department anticipates making some 375 appointments each year of the two-year pilot project.

Contact: Michel Lajoie, Project Leader, Staffing Policy and Program Development Directorate. Tel: 613-992-4530.

Employment Insurance Regulations, amendment (SOR/97-309, OIC 1997-902)

This amendment to paragraph 12(1)(a) of the *Employment Insurance Regulations* will include weeks of income support under The Atlantic Groundfish Strategy (TAGS) as labour force attachment for the purpose of determining whether someone applying for employment insurance benefits is a new entrant or re-entrant.

Not afforded the special treatment are TAGS support for early retirement for self-employed and other fishers and plant workers.

The changes will apply to benefit periods established after the effective date of this amendment (July 3, 1997) and prior to January 4, 1998.

Under the Employment Insurance (EI) legislation, persons who have had minimal attachment to the labour-force in the two years preceding an application for benefits are considered to be new entrants or re-entrants and require additional hours, or additional earnings in the case of self-employed fishers, to qualify for benefits. A person employed under a contract of service, including plant workers and some fishers, requires 910 hours, and a self-employed fisher requires \$5,500 in earnings from employment as a fisher.

To avoid being a new entrant or re-entrant, in the year preceding the qualifying period, a claimant must have accumulated 490 hours of labour force attachment. For self-employed fishers, \$3,000 from fishing also satisfies the labour force attachment requirement. Labour force attachment includes earnings and hours from employment, as well as unemployment benefits, approved training and employment measures, workers' compensation.

The Atlantic Groundfish Strategy (TAGS) was announced on April 19, 1994, to provide income support and adjustment programs for fishers and plant workers affected by the east coast groundfish crisis.

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

Not included in Regulatory Plan

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Employment Insurance Act, paragraphs 7(4)(c) and 54(z.4)

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Since the beginning of the program, some workers have participated in approved training, employment and counselling programs which will be considered labour force attachment for purposes of Employment Insurance. However, some workers received income support but were unable to find employment outside the fishing industry. This amendment to paragraph 12(1)(a) of the Regulations will include weeks of income support under TAGS as labour force attachment, other than support for early retirement for self-employed and other fishers and plant workers.

The cost of Employment Insurance benefits payable to fishers and plant workers who will qualify as a result of this amendment is estimated to be \$3 to \$6 million in 1997-1998.

Contact: Doris Beaman, Senior Policy Advisor, Insurance Policy, Human Resources Development Canada, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel: 819-997-8626; Fax: 819-953-9381.

Employment Insurance Regulations, amendment (Administrative Changes) (SOR/97-310, OIC 1997-903)

The amendments include a number of minor administrative changes, as well as two substantive changes to the Family Supplement; they also expand coverage of Armed Forces reservists and federal election workers.

More specifically, the amendments include changes:

- to ensure that all people who work in the Armed Forces reserves are included in insurable employment. Previously, members of the reserves were not covered unless they worked 30 days in a year. Reservists will now be covered from the first hour they work and the first dollar they earn.
- to ensure that, when their weekly benefit rate is calculated, claimants are credited with wages unpaid by reason of the bankruptcy of their employer. Under these measures, the money is allocated to the weeks when the unpaid work was performed. The hours worked, but unpaid, are still insurable hours and will be used towards setting up an EI claim.
- to clarify the meaning to be given the term "disqualified" when it is used to describe a prescribed week which is used for two purposes: to extend the Rate Calculation Period and to define a claimant as a new entrant and/or re-entrant for purposes of establishing a benefit period. The change reinstates the wording and the status quo from the former legislation.
- to ensure, by way of the Family Supplement provisions in section 34 of the Regulations, that the family supplement calculation retains a direct connection to the Child Tax Benefit (CTB). The link under the current regulation is limited to the level of the CTB as of June 30, 1996 including any amendments as announced in the March 1996 Budget. The 1997 Budget, however, amended this proposal. Instead of calculating a Working Income Supplement (WIS) level per family, the amount of the WIS will be changed as of July 1997 to an amount level per child. The estimated expenditures in regard to the WIS changes that were announced in the 1996 budget will remain the same under the 1997 Budget. An amendment to subsection 34(2) is needed to reflect the fact that the changes proposed in the 1996 Budget are replaced by changes in the 1997 Budget.
- It is estimated that the costs of extending coverage to reservists will be under \$5 million, but this expansion of coverage will assist part-time workers by their being able to use this employment towards establishing a claim for EI benefits.

Employment Insurance Act, paragraphs 5(6)(e) and 7(4)(c), subsection 14(4) and sections 16, 54 and 167

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- to correct a one dollar difference in the starting point of the scale upon which the right to a family supplement of weekly benefit rate is assessed.
- to provide for a means of converting 1996 or earlier insured weeks into insured hours when, after January 5, 1997, one is considering the possible termination of a disqualification on a voluntary quit that happened before June 30, 1996. The change does the same thing as the existing section 94.1, but can apply to these cases of quitting that occurred before June 30, 1996 and so are thus still covered by the provisions in the old *UI Act* and Regulations; it also changes the number of weeks required to terminate the disqualification from weeks to hours.

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.

Government Employee Land Acquisition Order (SOR-97-311, OIC 1997-904)

This Order will grant the following employee authority to acquire an interest in territorial lands located in the Yukon Territory:

- Shane Allan Oakley, an employee of the Department of Indian Affairs and Northern Development, to purchase, for commercial and residential purposes, the whole of a parcel of land near kilometre 1643 of the Alaska Highway, Y.T. Highway No. 1, and adjoining Lot 1048 in Quad 115 A/13.

Contact: Ian Sneddon, Chief, Land Management Division, Department of Indian Affairs and Northern Development, Les Terrasses de la Chaudière, 10 Wellington Street, Ottawa, Ontario, K1A 0H4. Tel: 819-997 9090.

Small Business Loans Regulations, 1993, amendments (SOR-97-312, OIC 1997-905)

The amendment provides for a modification to the French version of subsection 12(4) by altering the French word “marginal” to “maximal” and thus to have the French version correspond with the English version of 12(4).

The house-keeping change was recommended by the Joint Standing Committee for the Scrutiny of Regulations.

Contact: Henry R. Juelich, Manager, Policy Small Business Loans Adm. Directorate, Programs and Services Branch, Industry Canada, 235 Queen Street, Ottawa, Ontario, K1A 0H5. Tel: 613-954-5539.

Statutory Instruments Regulations, amendments (SOR-97314-, OIC 1997-928)

The amendment repeals section 16 of the Regulations.

The change is a result of a recent initiative by the Department of Justice to revise the consolidated index of regulations, to indicate amendments to regulations on a section-by-section basis. This will allow readers to easily determine the legislative history of any regulatory provision, and in particular to determine whether a provision of a regulation is up-to-date or has been recently amended. The index now also indicates the titles of regulations and Acts in both official languages.

With the changes, the description of the existing format of the consolidated index of regulations in section 16 of the Regulations is no longer required.

Contact: Jacques Desjardins, Deputy Chief Legislative Counsel (Regulations), Department of Justice, 222 Queen Street, Ottawa, Ontario, K1A 0H5. Tel: 613-957-0087; Fax: 613-941-1193.

Territorial Lands Act,
paragraph 29(1)(a)

INAC/96-R-5-I;
INAC/97-R-2-I

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Small Business Loans Act, section 7

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Statutory Instruments Act

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Canadian Wheat Board Regulations, amendment (SOR/97-315, OIC 1997-929)

The amendment establishes a higher initial payment for the base grade of barley (an increase of \$8 per metric tonne) for the 1996-97 crop year.

If producers deliver 2 million tonnes of dry barley during the 1996-97 crop year, the initial payment adjustment would be worth \$16-million in additional grain receipts.

More specifically:

“1. Subsection 26(3)1 of the *Canadian Wheat Board Regulations* is replaced by the following:

(3) The Board shall pay to producers selling and delivering barley produced in the designated area to the Board the following sums certain per tonne basis in storage Vancouver or Lower St. Lawrence, in respect of the grade No. 1 Canada Western:

- (a) \$145 for straight barley;
- (b) \$131 for tough barley;
- (c) \$124.50 for damp barley;
- (d) \$140 for straight barley, rejected, account stones;
- (e) \$126 for tough barley, rejected, account stones; and
- (f) \$119.50 for damp barley, rejected, account stones.

Coming Into Force

2. These Regulations come into force on July 7, 1997.”

Contact: Craig Fulton, Commerce Office, Grains and Oilseeds Division, International and Industry Services Branch, Agriculture and Agri-Food Canada, Sir John Carling Building, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5. Tel: 613-759-7698; Fax: 613-759-7499.

Canadian Wheat Board Act, sections 32, 47 and 61; *Canadian Wheat Board Regulations*, section 9

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Processed Products Regulations, amendment I.D. No. 95008(P2) (Cost Recovery) (SOR/97-300, OIC 1997-896); Processed Products Fees Order (SOR/97-301)

The amendments make administrative changes necessary to implement new fees implemented by the Minister of Agriculture and Agri-Food (under the Order), for services provided to processors of fruit and vegetable products by the Canadian Food Inspection Agency.

The approved fees apply to the following services:

- for the inspection of a Registered Establishment and for inspection of processed products in the establishment. The new fee will be either \$2,710 or \$850, with payments in four equal installments (a certificate is currently issued at no charge);
- for the registration of an establishment qualifying for reduced inspection service, a fee of \$625 for a low-acid food and \$300 for a non low-acid food plant;
- for the inspection of imported processed products. The new fee would be \$11 (compared to the \$16 proposed) for each import shipment of food products;
- for the issuing of Export Certificates, a fee of \$150 per certificate requested; and

Financial Administration Act, paragraphs 19(1)(b) and 19.1(b); *Order in Council P.C. 1995-325; Canada Agricultural Products Act*, R.S., c. F-20 (4th Supp.)

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- for the review and registration of labels (different fees are proposed, depending on the work involved).

As a result of comments following prepublication of the proposed fees, the Regulations were amended to provide operators with a mechanism to apply to the Director of the Dairy Fruit and Vegetable Division for reduced inspection service status and provide the Director with authority to grant such status based on criteria that includes:

- the size of the establishment and its equipment;
- the nature and volume of production in the establishment;
- the production scheduling practices of the establishment including seasonality of production: and
- the inspection record of the establishment, if any, and the service provided to similar establishments.

The proposal was prepublished in the Canada Gazette, Part I on Dec. 7, 1996 (see *Regulatory Affairs*, Vol. 2, No. 47, pp. 1-2, December 10, 1996).

Contact: R. Carberry, Acting Director, Dairy, Fruit and Vegetable Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario K1A 0Y9. Tel: 613-225-2342, Extension 4727; Fax: 613-990-0607; E-mail: rcarberry@em.agr.ca.

Maple Products Regulations, amendment (Cost Recovery) (SOR/97-302, OIC 1997-897); Maple Products Fees Order (SOR/97-303)

The Order and accompanying regulatory amendments establish fees for services provided to producers and packers of maple products by the Canadian Food Inspection Agency.

In place of the current free inspection and registration services, the Order establishes the following fees:

- an annual registration fee of \$40 for operators of sugar bushes and \$210 for packers or shippers of maple products; a fee of 3 cents per kilogram of product exported or a minimum of \$50 per certificate issued, to a maximum of \$250; The cap on the export fee was one result of negotiations following prepublication of the proposed fees.
- per shipment for honey exported, for the issuance of an export certificate or for inspection of honey being exported.

The proposal was prepublished in the Canada Gazette, Part I on Dec. 14, 1996.

The existing *Maple Products Regulations* provide an exemption for shipments of 20 litres of maple syrup or 5 kilograms of other maple products from the import, export and interprovincial trade provisions of the Regulations. This exemption has been raised to 100 litres of maple syrup and 25 kilograms of other maple products. Shipments up to these limits will not be subject to export inspection or fees.

For other export shipments of prepackaged retail size containers of maple products it was recommended and agreed that "block inspection" would be carried out prior to export on easily identifiable lots in a warehouse up to a maximum lot size of 40,000 kg. For a maximum fee of \$250, shippers may request export certificates on sub-lots from the "block" for a 60 day period following the "block inspection".

Canada Agricultural Products Act, R.S., c. 20 (4th Supp.); Financial Administration Act

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Mandatory export inspection will be phased out over two years. Beginning January 1, 1998, maple packers who have ISO 9002 certification will be exempted from export inspection. Effective January 1, 1999, export inspection will become non-mandatory for all.

The proposed fees are expected to cost the maple products sector some \$90,000 in annual fees, or some 27% of recoverable costs.

Contact: R. Carberry, Acting Director, Dairy, Fruit and Vegetable Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario K1A 0Y9. Tel: 613-225-2342, Extension 4727; Fax: 613-990-0607; E-mail: rcarberry@em.agr.ca.

Food and Drug Regulations, amendment (Schedule 923) (SOR/97-314, OIC 1997-928)

Food and Drugs Act, section 30

This regulatory amendment introduces the "Interim Marketing Authorization" (IMA) concept, to allow a food not in compliance with the Regulations to be marketed while an amendment to permit its on-going legal sale is being processed

HCan/95-29-O-I

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, A.L. 0702C, Health Canada, Ottawa, Ontario, K1A 0L2; Tel: 613-957-1828; Fax: 613-941-3537.

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Ministerial Orders Approved

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Processed Products Fees Order (SOR/97-301; Maple Products Fees Order (SOR/97-303); Honey Fees Order (SOR/97-305);

Financial Administration Act

The Orders establish fees for services provided by the Canadian Food Inspection Agency to producers and packers of maple products, to processors of fruit and vegetable products, and for the inspection and certification of honey and the registration of establishments that prepare honey.

Published in the 1996 Plan under the heading "Cost Sharing"

(See above respective items on amendments to the *Processed Products Regulations*, to the *Maple Products Regulations* and to the *Honey Regulations*, above, for details on the new fees.)

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