

# 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>Fish Health Protection Regulations, amendment</b></p> <p>The proposed amendment would provide local fish health officers with more flexibility to issue import permits under the Regulations.</p> <p>The Regulations would be amended to allow local fish officers to approve the importation of eggs or fish from a facility where a disease or disease agent of concern is present in both the source and receiving facilities.</p> <p>Local fish health officers would be allowed to reject applications to import eggs or fish from a facility that tested positive for a selected pathogen, into a facility or area designated free of the specific pathogen.</p> <p>Local health officers would be able to approve the importation or inter-provincial transfer of disinfected salmonid eggs from sources that have only been inspected for viruses.</p> <p>Contact: Iola M. Price, Director, Aquaculture and Oceans Science Branch, Department of Fisheries and Oceans, Ottawa, Ontario, K1A 0E6. Tel: 613-990-0275; Fax: 954-0807.</p>	<p><i>Fisheries Act</i>, section 43</p> <p>Not included in Regulatory Plan</p> <p>Published in Canada Gazette January 4, 1997</p>

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# Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority  
&  
Regulatory Plan Listing

## Atlantic Fishery Regulations, 1985; Maritime Provinces Fishery Regulations; Pacific Fishery Regulations, 1993, amendments

The proposed amendment would eliminate regulatory problems associated with aquaculture, namely the prohibition on the harvesting/handling and sale of undersized shellfish and the jaw tagging of farmed Atlantic salmon.

The size restrictions on Pacific clams under the *Pacific Fishery Regulations, 1993* and the prohibition on sale of undersized cultured oysters under the *Maritime Provinces Fishery Regulations* would be removed.

The proposals would also exempt farmed salmon from the requirement to be jaw-tagged.

Contact: Iola M. Price, Director, Aquaculture and Oceans Science Branch, Department of Fisheries and Oceans, Ottawa, Ontario, K1A 0E6. Tel: 613-990-0275; Fax: 954-0807.

*Fisheries Act*, section 43

Not included in Regulatory Plan

Published in Canada Gazette January 4, 1997

## Food and Drug Regulations, amendment (Schedule No. 1015)

The proposed amendment would provide for the use of allura red and sunset yellow FCF as food colouring agents at maximum levels of 80 ppm and 20 ppm respectively in longaniza sausage.

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Health Canada, Room 200, Health Protection Building, Postal Locator 0702C, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; Fax: 613-941-3537.

*Food and Drugs Act*, subsection 30(1)

HCan/R-33-I

Published in Canada Gazette January 18, 1997

## Food and Drug Regulations, amendment (Schedule No. 1022)

The proposed amendment would establish a Maximum Residue Limit for tebufenozide in apples at 1 parts per million.

Tebufenozide is an insecticide used for the control of caterpillars and worms.

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Health Canada, Room 200, Health Protection Building, Postal Locator 0702C, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; Fax: 613-941-3537.

*Food and Drugs Act*, subsection 30(1)

HCan/R-33-I

Published in Canada Gazette January 18, 1997

## Food and Drug Regulations, amendment (Schedule No. 1023)

The proposed amendment would establish Maximum Residue Limits for the insecticide abamectin and its isomer in celery and head lettuce at 0.05 parts per million (ppm); in apples, citrus fruit, pears and strawberries at 0.02 ppm; in peppers and tomatoes at 0.01 ppm; and in almonds and walnuts at 0.005 ppm.

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Health Canada, Room 200, Health Protection Building, Postal Locator 0702C, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; Fax: 613-941-3537.

*Food and Drugs Act*, subsection 30(1)

HCan/R-33-I

Published in Canada Gazette January 18, 1997

## Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations, amendment

The proposed amendment would introduce new regulations that would govern restraint systems for infants with special needs, thereby allowing the sale of these systems in Canada.

An accompanying test method, entitled Restraint Systems for Infants with Special Needs (to be referred to as Test Method 213.5), would be introduced.

The proposal would amend the regulations governing conventional infant restraint systems to allow the sale of infant restraint systems that are suitable for both healthy infants and those that have breathing problems.

*Motor Vehicle Safety Act*, section 5 and subsection 11(1)

Not included in Regulatory Plan

Published in Canada Gazette January 18, 1997

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

**Statutory Authority  
&  
Regulatory Plan Listing**

This proposal would add Schedule V.1, entitled CMVSS 213.5 - Restraint Systems for Infants with Special Needs, to the new regulations; amend Schedule III, CMVSS 213.1 - Infant Restraint Systems; and make related changes to the general provision. Contact: France Legault, Automotive Safety Engineer, Road Safety and Motor Vehicle Regulation, Department of Transport, Ottawa, Ontario, K1A 0N5. Tel: 613-998-1963; Fax: 613-990-2913; e-mail: legaultf@tc.gc.ca.

## **Exempt from Pre-Publication and Approved**

**Statutory Authority  
&  
Regulatory Plan Listing**

### **Fishing and Recreational Harbours Regulations, amendment (SOR/97-87, OIC 1997-26)**

*Fishing and Recreational Harbours Act, s. 9*

The Regulations are being amended to: revoke berthage charges and vessel launching charges for vessels other than Canadian commercial fishing vessels; and to update the list of harbours administered by the Department of Fisheries and Oceans (DFO) as a housekeeping matter.

Not included in Regulatory Plan

Berthage and vessel launching services will be provided to users on a contractual basis; the fee for providing these services will be set out in the contract.

Published in Canada Gazette January 22, 1997

This initiative is not expected to cause hardships for the majority of recreational and commercial vessel owners. The estimated number of recreational berths at DFO harbours represents only 10% of total private and public capacity, with clients representing only 50,000 of the 2.4 million recreational and commercial vessels in Canada. These clients will face increases in costs of 10 to 40% depending on the market rates for these services in their areas.

Revenue is estimated to increase from \$1.3 million (actual 1995/96) to some \$1.9 million in 1999/2000. As the process of divestiture of recreational harbours moves forward, this revenue potential will slowly decrease to zero as the inventory of revenue producing recreational harbours decreases.

Contact: Marie Gauthier, Program Officer, Small Craft Harbours, Department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel: 613-990-8994. Nathalie Desrochers, Real Property Officer, Small Craft Harbours, Department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel: 613-993-2980.

### **Food and Drug Regulations, amendment (Schedule No. 1032) (SOR/97-88, OIC 1997-27)**

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

This amendment expands the permitted use of the fungicide propiconazole to include green forage crops and establishes a Maximum Residue Limit (MRL) for propiconazole, including its metabolites, in the liver and kidney of cattle at 2.0 parts per million (ppm).

HCan/R-33-I

Propiconazole is registered in Canada under the Pest Control Products Act as a fungicide against various fungi in cereals and fruit.

Published in Canada Gazette January 22, 1997

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

#### **Agrospray Limited Remission Order (SOR/97-89, OIC 1997-28)**

This Order remits \$96,193.46 in customs duties to **AgroSpray Limited**.

This remission order compensates AgroSpray for the amount of duties which the company had to absorb because of a departmental error.

On July 4, 1994, AgroSpray imported denatured ethyl alcohol, "Ripener I Concentrate", which is a product used to initiate and accelerate the ripening process of agricultural produce. As a result of the erroneous tariff classification and the improper handling of the shipment by the Department at the time of release, AgroSpray was unexpectedly assessed over \$200,000 in duties owing on one shipment. Due to the large amount of duties owing, AgroSpray undertook to re-export some of the product to receive a refund of duties. However, a large portion of the product had already been sold to its customers at a duty-exclusive price.

Contact: Kjerstine Holmes, A/Secretary Interdepartmental Remission Committee, Department of National Revenue, 6th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6937.

*Customs Tariff*, section 101

RC/R-32-L

Published in Canada  
Gazette January 22, 1997

#### **Certain Imported Goods General Remission Order No. 3 (SOR/97-90, OIC 1997-29)**

This Order is a consolidation of 29 remissions. The Order remits \$31,136.58 in customs duties, \$20,154.47 in sales tax and \$1,200.00 in excise taxes to 12 importers on importations of certain goods.

In most of these cases, the nature of the goods, such as rolls of carpets and fences, prevented their examination within the normal 90-day time limit due to size or economic restraints. These problems were discovered only after the goods were delivered or installed which in these cases exceeded the deadline for importers to submit a notice of a claim.

Subsequent to these importations, it was determined that, within the modern business environment, a 90-day period is insufficient for importers to examine the goods and, if need be, submit a written notice of a claim for a refund. The Regulations have been amended to extend the period in which the Department may accept notices of claim for refund of duties paid on certain imported goods from 90 days to two years from release.

Contact: Kjerstine Holmes, A/Secretary Interdepartmental Remission Committee, Department of National Revenue, 6th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6937.

*Customs Tariff*, section 101

RC/R-32-L

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#### **Federal Real Property Regulations (Miscellaneous Program), amendment (SOR/97-91, OIC 1997-30)**

This amendment is of a technical nature and corrects inconsistencies between the English and French versions.

More specifically, the French version of paragraph 8(4)(b) is amended to read:

"(b) est versé selon une entente qui en garantit le remboursement à Sa Majesté si un bon titre jugé satisfaisant par le ministre de la Justice ne peut être obtenu ou si le titre ou le droit de propriété ne peut être certifié par une personne engagée pour fournir des services de conseillers juridiques conformément à l'article 4 du Règlement sur les marchés de l'État."

Contact: Judy Larkin, Property Analyst, Bureau of Real Property and Materiel, Program Branch, Treasury Board Secretariat, Floor 11 E, 140 O'Connor Street, Ottawa, Ontario, K1A 0R5. Tel: 613-957-9941; Fax: 613-957-2405; e-mail: larkinjudy@tbs-sct.gc.ca.

*Federal Real Property Act*, paragraph 8(4)

Not included in Regulatory Plan

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## Exempt from Pre-Publication and Approved

## Statutory Authority & Regulatory Plan Listing

### **Carriers and Transportation Undertakings Information Regulations (SOR/97-92, OIC 1997-31)**

The Regulations, as an amendment to the *Carriers Information Regulations*, provide the Department with the authority to also collect data from infrastructure providers such as airport, air navigation and deep waterway undertakings.

The Minister requires comprehensive, high quality information on a timely basis. The data are required for the purposes of national transportation policy, for annual reporting, for operational planning, for any safety or subsidy program, for any infrastructure requirement or for the administration of the *Canada Transportation Act*.

Prior to the commercialization of airports, air navigation and other infrastructure providers, Transport Canada received all the information it required directly on these operations. For the purposes of evaluating that commercialization policy, for annual reporting on the state of transportation and for other policy and regulatory purposes, the Department continues to need information from these entities.

Statistics Canada continues to be the main agency of the federal government for the collection of transportation statistics. Information specified in Parts VI and VII of the *Carriers and Transportation Undertakings Information Regulations* is not collected by Statistics Canada.

Financial, operating and traffic information is required by Transport Canada from transportation undertakings for national transportation policy and for annual reporting to Parliament, as required by Section 52 of the CTA. The financial and operating data required are those normally made available in standard quarterly and annual corporate reports.

Changes will be considered up to 60 days after the Regulations come into force.

Contact: Phil Ventura, Acting Director General, Economic Analysis Directorate, Policy Group, Transport Canada, Ottawa, Ontario, K1A 0N5.

### **Temporary Entry Remission Order, No. 44 (SI/97-13, OIC 1997-53); Temporary Entry Remission Order, No. 45; (SI/97-14, OIC 1997-54); Temporary Entry Remission Order, No. 46 (SI/97-15, OIC 1997-55); Temporary Entry Remission Order, No. 47 (SI/97-16, OIC 1997-56); Temporary Entry Remission Order, No. 48 (SI/97-17, OIC 1997-57); Temporary Entry Remission Order, No. 49 (SI/97-18, OIC 1997-58); and Certain Taxpayers Remission Order, 1997-1 (SI/97-19, OIC 1997-59)**

The Orders remit customs duties, sales taxes and excise taxes and, in the case of the Taxpayers Remission Order, taxes, interest and penalties.

### **Order Referring Back to the CRTC Various Decisions (SI/97-11, OIC 1997-39)**

The Order refers back to the Canadian Radio-television and Telecommunications Commission (CRTC) Decisions CRTC 96-674, CRTC 96-680, CRTC 96-715, CRTC 96-727, and CRTC 96-730 for reconsideration and hearing.

The Governor in Council has also decided that it is material for the reconsideration and hearing that the CRTC fully assess the issue of whether, in the case of commitments made by radio station licensees to FACTOR and MusicAction, the CRTC should treat FACTOR and MusicAction equitably regarding guarantees for long-term financing. The reviews relate to payments, as conditions of licence, to third parties involved in Canadian talent development.

*Canada Transportation Act*, subsection 30(1)

TC/96-2

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Gazette January 22, 1997

*Financial Administration Act*, subsection 23(2)

Not included in Regulatory Plan

Published in Canada  
Gazette January 22, 1997

*Broadcasting Act*, subsection 3(1)

Not included in Regulatory Plan

Published in Canada  
Gazette January 22, 1997

## Pre-Published and Approved No comments or changes

## Statutory Authority & Regulatory Plan Listing

### **Food and Drug Regulations, amendment (Schedule No. 1003) (SOR/97-81, OIC 1997-20)**

This amendment permits the use of the enzyme a-acetolactate decarboxylase (ALDC) from *Bacillus subtilis* carrying the gene coding for ALDC from *Bacillus brevis* in the preparation of alcoholic beverages (brewers' and distillers' mash), and at levels consistent with "good manufacturing practice".

The enzyme ALDC prevents the formation of the unpleasant tasting diacetyl from a-acetolactate during fermentation, thus reducing the time for the maturation step in distilling and brewing processes. Extensive studies have determined the safety and efficacy of ALDC prepared using the *Bacillus subtilis* strain.

The amendment, prepublished in the Canada Gazette Part I on May 18, 1996 (see *Regulatory Affairs*, v. 2, No. 20, p. 2, May 18, 1996), comes into force on January 7, 1997.

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Health Canada, Room 200, Health Protection Building, Postal Locator 0702C, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; Fax: 613-941-3537.

### **Food and Drug Regulations, amendment (Schedule No. 1005) (SOR/97-82, OIC 1997-21)**

This amendment permits the use of the enzyme inulinase from *Aspergillus niger* var. *Teigham* in the production of fructooligosaccharides, at levels consistent with "good manufacturing practice". Inulinase is an enzyme that hydrolyses inulin to monosaccharides and oligosaccharides.

Fructooligosaccharides are moderately sweet in taste and contain about half the energy value of sugars and starches. They can be used to partially replace sugars and starches in a variety of foods for the purpose of changing their taste, texture, composition or caloric value.

Extensive studies have determined the safety and efficacy of inulinase prepared using the *Aspergillus niger* strain. In addition, *Aspergillus niger* is already recognized as a source organism for 11 different enzymes in the Regulations.

The change, prepublished in the Canada Gazette Part I on July 20, 1996 (see *Regulatory Affairs*, v. 2, No. 29, p. 1, July 20, 1996), comes into force on Jan. 7, 1997.

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Health Canada, Room 200, Health Protection Building, Postal Locator 0702C, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; Fax: 613-941-3537.

### **Order amending the Schedule to the Transfer of Offenders Act (SOR/97-83, OIC 1997-22)**

This Order amends the schedule to the Act, to add the names of Bulgaria, Hungary, Iceland, Ireland, Slovenia, Poland, Croatia and Ukraine, which have ratified the multilateral Council of Europe Convention on the Transfer of Sentenced Persons.

The *Transfer of Offenders Act* enables Canada to enter into multilateral and bilateral treaties with other countries to allow persons convicted of offences in foreign countries to serve their sentences in their home country. The schedule to the Act lists those countries with whom Canada has entered into treaties.

The change, prepublished in the Canada Gazette Part I on Sept. 21, 1996 (see *Regulatory Affairs*, v. 2, No. 36, p. 3, Sept. 21, 1996), comes into force on Jan. 7, 1997.

Contact: Bill Wilson, Corrections Directorate, Department of the Solicitor General, 11F - 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P8. Tel: 613-991-2812.

*Food and Drugs Act*, subsection 30(1)

HCan/R-33-I

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Gazette January 22, 1997

*Food and Drugs Act*, subsection 30(1)

HCan/R-33-I

Published in Canada  
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*Transfer of Offenders Act*, section 23

SGC/96/R-1-I

Published in Canada  
Gazette January 22, 1997

## Pre-Published and Approved No comments or changes

## Statutory Authority & Regulatory Plan Listing

### **Railway Interswitching Regulations, amendment (SOR/97-84, OIC 1997-23)**

*Canada Transportation Act*, subsection 36(1) and sections 112 and 128

The regulations maintain the 1996 interswitching rates for an interim period during 1997, pending further consultations to be held by the Canadian Transportation Agency during 1997. The rates for 1997 start Jan. 1, 1997.

NTA/96-R-1-I

The Regulations prescribe the terms and conditions, including the rates, under which railway freight cars are exchanged between the lines of different railway companies pursuant to the *Canada Transportation Act*. The Regulations apply to traffic moved within a 30 km radius, or a greater distance if the Canadian Transportation Agency prescribes, of an interchange connecting two railways and a shipper's facilities at either origin or destination of a traffic movement. The Regulations establish four interswitching zones within the 30 km radius and prescribe rates for interswitching traffic to or from each zone. Lower rates are prescribed for the interswitching of blocks of 60 or more cars as a unit.

Published in Canada Gazette November 30, 1996

As a result of a consultation in September, 12 interested parties expressed their views on the effect of the new rate requirement on the Agency's interswitching rates. There were two, polarized views: a majority of shippers, shipper associations and provincial governments submitted that the rate structure should not be changed since current interswitching rates already provide railways with a commercially fair and reasonable compensation; Canadian National Railway Company (CN), the only carrier who responded to the consultation, indicated a clear preference for the deregulation of interswitching rates. CN submitted that the Agency should not continue to regulate and prescribe interswitching rates; the rates should rather be determined by market conditions. In the alternative, CN was of the view that in determining rates that are fair and reasonable to all parties, the Agency should include all costs as is done for maximum rate determination for western grain movements.

A number of interested parties stressed the importance of the current question and requested that the Agency extend the consultative process before making a determination on the impact of the commercially fair and reasonable rate requirement on the interswitching rates. Considering the concerns expressed by interested parties regarding the limited opportunity for submissions and the widely divergent positions taken by the interested parties with respect to the interpretation of the new rate requirement, the Agency determined that the matter should be reexamined through a more in-depth consultative process. Accordingly, in mid-November 1996, the Agency forwarded a second letter to approximately 250 interested parties to invite them to file further submissions and to participate at one of the regional meetings to be convened by the Agency in early 1997.

The proposed rates were prepublished in the *Canada Gazette*, Part I, with a 10-day comment period, on November 30, 1996 (see *Regulatory Affairs*, v. 2, No. 46, pp. 2-3, December 1, 1996). The Agency received no comment as a result of this prepublication. However, 18 parties responded to the Agency's invitation to consult and advised that they wish to participate at one of the regional meetings in early 1997.

Pending the outcome of this consultative process, the 1996 schedule of rates will be carried forward for a period of time in 1997.

Contact: M. Maisonneuve, Senior Investigations Officer, Rail and Marine Complaints and Audit Services Directorate, Rail and Marine Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel: 819-953-2235; Fax: 819-953-5564.

## Pre-Published and Approved With comments or changes

## Statutory Authority & Regulatory Plan Listing

### **Health of Animals Regulations, amendment (SOR/97-85, OIC 1997-24) (I.D. No. 96-005 - Omnibus)**

*Health of Animals Act*

AGR/96-4-I

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Gazette January 22, 1997

The regulations remove the controls on the importation of low-risk animals and their embryos, semen, products, and by-products.

Importations of animal products that will be used in low-risk situations (for example, in laboratory studies) are also deregulated. In many instances where deregulation is not possible, controls are being reduced.

The regulations would continue to control the importation of animals or commodities considered to present a high risk of introducing diseases that could have a serious economic impact on animal agriculture. Specific powers are included to allow permits to be issued for the importation of camelidae (llamas and alpacas) and cervidae (members of the deer family) from the United States. The current prohibition orders are not being repealed and permits will not be issued until conditions are developed to resolve the health issues associated with the import of those animals.

The changes reduce the time required for Canada to recognize changes in the disease status of other countries and allow regions within countries to be recognized as free of certain diseases for the purpose of trade. The changes also enable the use of private veterinarians to certify animals exported to Canada. Canada is currently negotiating for similar concessions as part of the cost avoidance activities committed to industry during cost recovery negotiations.

The changes also reflect the recommendations of the 1992 Regulatory Review. For instance, the regulation recognizes the success of eradication programs (for diseases such as tuberculosis and brucellosis) and has made it possible to remove many controls on the movement of animals.

The regulations requiring that cattle dealers maintain extensive records have been revoked; and the regulation that required permits for movement of all wild ungulates will be replaced by one that only controls the movement of cervidae.

The amendment, prepublished in the Canada Gazette Part I on July 6, 1996 (see *Regulatory Affairs*, v. 2, No. 25, p. 2, June 25, 1996), comes into force on January 7, 1997.

In June, 62 interested groups, including all members of the National Animal Health Consultative Committee, Provincial Veterinarians, and the unions that represent departmental staff, were sent the proposals. Comments were received from the Quebec Ministry of Agriculture, Fisheries and Food; the Canadian Meat Council; and the Canadian Sheep Federation.

The Quebec Ministry of Agriculture, Fisheries and Food expressed concerns about the possibility that the amendments may affect the department's ability to keep disease out of Canada; the Ministry stated that the methods used in the Risk Analysis did not follow the standard recognized by the international veterinary organization, the Office Internationale des Epizooties. The Ministry also asked for an increased role in controlling imports, which would include determining the diseases to be regulated; it requested that a federal-provincial committee be formed to contribute to the risk analysis process and to have input on whether the principle of regionalisation will be applied to importing countries for disease purposes.

## Pre-Published and Approved With comments or changes

## Statutory Authority & Regulatory Plan Listing

Quebec also expressed concerns about the use of private quarantines for imported animals, the removal of the requirement for a permit for insects, the use of electronic signature, the removal of the requirement to clean and disinfect livestock trucks, and the removal of controls on livestock dealers. As a result of Quebec's comments, several issues will be discussed further to clarify the intent of the regulations and to explain the decision-making process.

The Canadian Meat Council agreed with the changes to sections 111, 112, and 113 of the Regulations (feeding of edible residual material to swine and poultry). However, it asked that the department notify both the abattoir and the Provincial Marketing Board when such pigs are shipped to abattoirs. This is not possible under the current inspection scheme as the department is not aware of the specific time or place where the pigs are slaughtered.

The Canadian Sheep Federation had asked that the department drop the requirement for testing for *Brucella ovis* of sheep imported from the U.S. However, after receiving negative comments and many questions from provincial associations, the proposal was set aside for further consultation.

Contact: Dr. C. Lavigne, Deputy Director, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, Sir John Carling Bldg., Ottawa, Ontario, K1A 0C5. Tel: 613-952-8000, ext. 4767.

### **Immigration Regulations, amendment (Undocumented Convention Refugee in Canada Class) (SOR/97-86, OIC 1997-25)**

The amendments define membership in the Undocumented Convention Refugees in Canada Class (UCRCC) and establish landing requirements for the class (currently limited to undocumented refugees from Afghanistan and Somalia).

An accompanying amendment allows refugees from countries prescribed for purposes of UCRCC an additional 180 days (from the coming into force of this amendment) within which to submit their application for permanent residence as a Convention refugee.

The Undocumented Convention Refugees in Canada Class is being created as a class for public policy reasons. The creation of this class will allow the granting of permanent residence to undocumented refugees from specified countries (Afghanistan and Somalia only, at the time of the introduction of this class) in recognition of the extreme turmoil which has existed within these two countries; of the fact that turmoil has prevented and continues to prevent refugees who are citizens or nationals of those countries from complying with the current legislative requirement for a passport, travel document or other satisfactory identity document before being granted permanent residence here. In these cases, the lack of an effective central government means that, for some time, no reliable identity documents, in any official form, have been available to citizens or nationals of these two countries.

Applicants under this class are required to make a solemn declaration regarding the accuracy and completeness of the information provided with respect to identity; that declaration will confirm that the information is consistent with material provided to the Refugee Division when the refugee claim was made, or will identify and explain any differences between the information provided now and that provided at the time of the refugee claim.

*Immigration Act*, subsection 6(5) and paragraph 114(1)(e)

Not included in Regulatory Plan

Published in Canada Gazette January 22, 1997

## Pre-Published and Approved With comments or changes

Statutory Authority  
&  
Regulatory Plan Listing

Under the UCRCC, the principle eligibility criterion is a waiting period of five years from the date of determination of Convention refugee status. This provides a necessary balance between providing protection to those individuals with a well-founded fear of persecution and safeguarding Canada and Canadians against those individuals who would abuse Canada's generosity by willfully concealing their identities in order to hide a criminal past or conceal their true country of origin. The five-year period allows the opportunity of detecting, often with the assistance of the communities of which they are members, those with histories of criminality, human rights abuses, or other activities that would exclude them from the benefits to which refugees are entitled under the Geneva Convention.

As well, the passage of five years allows for these refugees to establish their ongoing willingness to respect the laws and norms of Canadian society; assessment of their conduct during this time in Canada will serve as a substitute for the normal background checks conducted on all immigrants, including refugees, since background checks are of limited effectiveness when the name of the individual cannot be confirmed or any of the personal information corroborated by official records.

To be eligible for membership in the UCRCC class, the person must:

- have been determined to be a Convention refugee in Canada;
- have not had his or her Convention refugee determination revoked;
- be a national or, if stateless, a former habitual resident of a country recognized as in turmoil and therefore unable to issue identity documents (as listed on Schedule XII - initially limited to Afghanistan and Somalia);
- have applied for permanent residence under the regular application process in place for persons determined to be Convention refugees; have paid all applicable fees associated with that application; and not have been granted permanent residence for the sole reason of lack of a satisfactory identity document (for example, there are no serious criminality or security barriers to grant of permanent residence).

A member of the UCRCC is eligible to include in the UCRCC application for permanent residence only those dependents who were included on the original application for permanent residence and who have resided in Canada since the application.

In appreciation of the fact that many undocumented refugees from the prescribed countries may have chosen, because they recognized the insurmountable barrier to permanent residence presented by the lack of an identity document, not to apply for landing within the time period prescribed in the Regulations, persons from Schedule XII countries (Afghanistan and Somalia) will have an additional 180 days from the coming into force of these Regulations to submit their application for permanent residence pursuant to subsection 46.04(1) of the Act.

In order to be granted permanent residence status under this class, after having met eligibility requirements mentioned above, the refugee, and any dependents, must meet certain landing requirements; that is, the members of the class:

- must have applied for permanent residence under the Undocumented Convention Refugee in Canada Class;
- must have made a written solemn declaration with respect to the accuracy and completeness of information respecting the identity of the member and any dependents included in the application for permanent residence, and the consistency of that information with the information provided previously to the Refugee Division, including explanations with respect to any differences;

## Pre-Published and Approved With comments or changes

Statutory Authority  
&  
Regulatory Plan Listing

- must not, nor must any of their dependents included in the application for permanent residence, be a person referred to in any of the paragraphs 19(1)(c.1) to (g) and 0) to (1) of the Act, or a person who has been convicted of an offence under any Act of Parliament for which a term of imprisonment of more than six months has been imposed or for which a term of imprisonment of five years or more may be imposed;
- must not have had their Convention refugee status revoked nor have such revocation (cessation or vacation) action pending (a final decision on the application would be suspended pending the outcome of the cessation or vacation application);
- must not, nor must any dependent, be the subject of investigations or pending prosecutions related to criminal charges that could render the member or the dependent ineligible for landing under this class.

An estimated 7,000 refugees in Canada whose country of origin is Somalia or Afghanistan have not been granted permanent residence due to lack of a satisfactory identity document.

The proposals were prepublished in the Canada Gazette Part I on November 16, 1996 (see *Regulatory Affairs*, v. 2, No. 44, pp. 2-3, November 16, 1996).

Contact: Craig Goodes, Director, Asylum Division, Citizenship and Immigration Canada, 17th Floor, Journal Towers South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 1L1. Tel: 613-957-5867; Fax: 613-957-5869.

## Ministerial Orders Approved

Statutory Authority  
&  
Regulatory Plan Listing

### **Cervidae Importation Prohibition Regulations, repeal (SOR/97-93); Camelidae Importation Prohibition Regulations, repeal (SOR/97-94)**

This two regulations are repealed, effective Jan. 7, 1997.

*Health of Animals Act*,  
section 14

Not included in Regulatory  
Plan

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