

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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September 6, 1997

Circulate to:	HIGHLIGHTS
1.	Proposed Regulations
2.	Higher seed certification and plant and meat inspection fees proposed . . . 1-3
3.	Exempt from Pre-Publication and Approved
4.	Income Tax Regulations amended to protect deductibility of certain employee share purchases 4-5
5.	Higher dosage of nicotine gum to be available over-the-counter 5-6
	Pre-Published and Approved
	CBCA filing exemptions established 12-13

Proposed Regulations for Pre-Publication in Part I, Canada Gazette	Statutory Authority & Regulatory Plan Listing
<p>Plant Protection Fees Regulations, repeal (I.D. No. 96009); Plant Protection Cost Recovery Fees Order</p> <p>The proposed regulation would repeal the <i>Plant Protection Fees Regulations</i> and replace them with a proposed <i>Plant Protection Cost Recovery Fees Order</i>, enacted under the authority of the <i>Financial Administration Act</i> instead of the <i>Plant Protection Act</i>.</p> <p>The proposed fee order would increase the present fees for licensing services provided by the Canadian Food Inspection Agency by 34% to 50%. Domestic inspection services are calculated on a basis of 25% cost recovery; all other new fees are calculated at 50% for those import and export inspection services for which the Agency cost recovers.</p> <p>The proposed fees order will also include fees for such services as the designation of inspectors (i.e., accreditation), laboratory tests and related services, domestic facilities (e.g., lumber mills, flour mills, field crop inspections) and conveyance (e.g., used containers), inspection services, and re-inspection and follow-up action services (e.g. an inspection to verify the effectiveness of a treatment, release from detention).</p>	<p><i>Plant Protection Act, s.c., 1990, c. 22; Financial Administration Act</i></p> <p>Future Initiatives, 1996</p> <p>To be published in Canada Gazette September 6, 1997</p>

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority
&
Regulatory Plan Listing

In addition to the fees that are already charged for the issuance of an import permit and Phytosanitary Certificates, a fee will be charged for the issuance of a Movement Certificate.

The proposed Order will also contain a payment provision which stipulates when the fees are payable by the owner or the person having the possession, care or control of the things, the conveyances or the facilities in question.

Of the revenues anticipated from the proposed higher fees, the largest (\$1-million) would come from commodity inspections under the export program, followed by \$750,000 for commodity inspection under the import program (including parcels sent by courier and mail), \$558,000 expected from the issuance of phytosanitary certificates and phytosanitary certificates for export, \$558,000 from domestic program management (e.g., the Newfoundland car wash facilities), \$200,000 from laboratory testing and related services (import, domestic and export programs), \$185,000 for import permits, including pest risk assessment, and \$100,000 for fees for ensuring compliance with the Act and Regulations.

During the consultations, which were broad, industry expressed the concern that fees continue to increase as resources devoted to the services declines. Industry has requested sufficient time to evaluate any future fee increases, in terms of whether it would be prepared to continue to pay for plant protection services.

Contact: Dr. Jean Hollebone, Director, Plant Protection Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9 Tel: 613-225-2342, extension 4316; Fax: 613-228-6606.

Seeds Regulations, amendment (I.D. No. 96019); Seeds Fees Order

This proposed amendment would remove all fees from the *Seeds Regulations* and instead reference the *Seeds Fees Order*.

The changes to the Seeds Fees Order would:

- incorporate fees for registration, licensing and accreditation;
- increase fees for registration, licensing and accreditation, quality surveillance and export certification; and
- introduce fees for seed laboratory accreditation, variety registration and safety evaluations of plans with novel traits.

The fee increases proposed for registered establishments would increase charges to industry to some \$957,000 over three years, up significantly from \$275,000 in 1995-96. As a result, some smaller establishments may leave the pedigreed seed program.

The fees for export certification would increase by about 50%, from \$92 and \$170 for large and small seeds to \$150 and \$275 respectively per standard seed lot. The flat fee per seed lot is being replaced with separate fees for sampling, seed testing and post control variety verification.

For accredited seed laboratories, a new fee would be introduced: \$1,100, with an annual renewal fee of \$625.

For variety registration, a fee of \$875 would be imposed for application, evaluation and registration of most varieties.

For plants with novel traits, a cost to an applicant for approval to proceed with an unconfined release would be \$2,000.

Contact: Glenn Hansen, Director, Plant Products Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario K1A 0Y9. Tel: 613-225-2342, ext. 4296; Fax: 613-228-6629.

Seeds Act, s.c., 1994, c. 26, s. 65; *Canada Agricultural Products Act*, R.S., c. 20 (4th Supp.); *Financial Administration Act*

Agr/95-1-M

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

Meat Inspection Regulations, 1990, amendment (I.D. No. 96008); Meat Inspection Fees Order

This proposed amendment would repeal the existing fee provisions in the *Meat Inspection Regulations, 1990* and replace them with the proposed *Meat Products Inspection Fees Order*, established pursuant to the *Financial Administration Act*.

The following new fees and modifications to existing fees are proposed:

- for the analysis or testing of a meat product, carcass or food animal, fees ranging from \$364 and \$227 for each test or analysis for LCMS Confirmation and CHL-GC LCMS respectively, to \$30 for antibiotic screening, \$0.71 and \$3.53 for trichinella in swine and in horses and other species respectively;
- for the inspection of an establishment registered for the slaughter of poultry, in respect of each inspection station within a scheduled work shift, with an increase in the annual fee from \$12,122 to \$16,218 per inspection station proposed;
- for an extra slaughter inspection station, an annual fee of \$24,657 for each additional inspection station provided within a scheduled slaughter shift;
- for a processing shift worked concurrently with a slaughter shift, the current exemption for fees would be revoked and a new fee charged;
- for an additional work station as occasionally requested by the operator, a proposed fee that would be the greater of a minimum fee of \$159 or the amount determined by multiplying the number of hours worked by the hourly rate of \$53;
- for the issuance of an export certificate, an increase from \$12 for each certificate issued to \$15 per certificate;
- for additional activities/services provided by the CFIA to assist clients in bringing their commodities or establishments into compliance, a fee designed to recover 100% of the adjusted program expenditure, based on the hourly rate for the commodity program; and
- for the payment and adjustment of fees, an increase to \$1,000 in the minimum amount payable upon receipt of the invoice from the inspection agency in the case of the licence fee, up from \$300.

Overall, the proposed changes would generate revenue of some \$17.5-million from the meat processing industry.

Contact: Dr. M.F. Baker, Director, Meat and Poultry Products Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-225-2342, Ext. 4646; Fax: 613-228-6636.

Food and Drug Regulations, amendment (Schedule 1047)

The amendment would establish a Maximum Residue Limit (MRL) for trimethyleulfonium (TMS) cation of glyphosate in wheat at 3.0 parts per million (ppm) and in kidney and liver of cattle, goats, hogs, poultry and sheep at 0.5 ppm. Any residues of TMS cation in other foods would be covered by the general limit of 0.1 ppm specified in subsection B.15.002(1) of the Food and Drug Regulations.

Glyphosate is registered under the *Pest Control Products Act* as a herbicide for control of annual and perennial weeds on a number of crops. MRLs for glyphosate residues have been established under the *Food and Drug Regulations* for barley, oats, wheat, soybeans, peas, lentils, beans and flax.

Contact: Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, A.L. 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0K9. Tel: 613-736-3520; Fax: 613-736-3505.

Meat Inspection Act, R.S., c. 25 (1st Supp.), s. 20; Financial Administration Act

Cost Sharing Arrangements, 1996

To be published in Canada Gazette September 6, 1997

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

HCan/R-33-I

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

Statutory Authority & Regulatory Plan Listing

Food and Drug Regulations, amendment (Schedule 1000)

To ensure clarity and consistency in the application of Maximum Residue Limits (MRLs) for pesticide residues in foods, the proposed amendment would state that the MRL for processed foods is the same as the raw agricultural product from which the food is manufactured or derived.

The alternative to this proposal would be to list every processed product covered under the MRL in Table II of Division 15 of the Regulations.

The change ensures harmonizes the requirements under the *Food and Drugs Regulations* with those of Canada's major trading partners.

Contact: Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, A.L. 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0K9. Tel: 613-736-3520; Fax: 613-736-3505.

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

HCan/97-30-I

To be published in Canada Gazette September 6, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Income Tax Regulations, amendment (Prescribed Stock Exchanges) (SOR/97-408, OIC 1997-1145)

The amendment adds the Irish Stock Exchange to the list of prescribed stock exchanges outside Canada for the purposes of a number of provisions of the *Income Tax Act*. The list is set out in section 3201 of the Regulations.

The Irish Stock Exchange separated from the London Stock Exchange in the United Kingdom, another prescribed stock exchange, and obtained its independent status.

The main significance of prescribing a foreign exchange is that shares listed on it are eligible investments for registered retirement savings plans, registered retirement income funds and deferred profit sharing plans.

Contact: Martine Lemire, Tax Legislation Division, Department of Finance, L'Esplanade Laurier, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel: 613-992-3031.

Income Tax Act, section 221

FIN/96-32

To be published in Canada Gazette September 17, 1997

Income Tax Regulations, amendment (Employee Stock Option Plan Prescribed Shares) (SOR/97-409, OIC 1997-1146)

These minor amendments ensure that certain shares held by employees are not precluded from being deductible in certain situations.

More specifically:

- Subparagraph 6204(1)(a)(vi) is amended to ensure that a share issued under an employee share purchase agreement is not precluded from being a prescribed share where the relevant right or obligation to redeem, acquire or cancel the share at the time of its acquisition or at any subsequent time is for an amount that is less than the fair market value of the share. This amendment is relevant, for example, where a share of an employee may ultimately be forfeited under the terms of an employee stock option.

Income Tax Act, section 221

FIN/95-34-R

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Exempt from Pre-Publication and Approved

Statutory Authority
&
Regulatory Plan Listing

- Paragraph 6204(1)(b) is amended to ensure that a share is not precluded from being a prescribed share where the redemption, acquisition or cancellation of the share by a corporation or a specified person in relation to the corporation arises as a consequence of an amalgamation of a subsidiary wholly-owned corporation or of a winding-up to which subsection 88(1) of the Act applies. In this context, a new subsection 6204(4) provides that subsection 256(9) of the Act will not operate to accelerate the creation of a non-arms length relationship.
- Subsection 6204(2) is amended so that the relief contained in the provision applies to shares either issued or sold pursuant to an employee share purchase agreement.

Subsection 6204(1) of the Regulations sets out the requirements for a share to be a prescribed share in order for a taxpayer to be entitled to a deduction under paragraph 110(1)(d) of the Income Tax Act of up to 1/4 of the value of the stock option when exercised.

One of the requirements is that the issuing corporation must not have a right or obligation to redeem, acquire or cancel the share at the time of its acquisition or at any subsequent time for an amount that does not approximate the fair market value of the share.

Another requirement is that the issuing corporation or a "specified person" in relation to the corporation cannot reasonably be expected to redeem, acquire or cancel the share within two years after the share is issued or sold.

For the purpose of subsection 6204(1), "specified person" in relation to a corporation, as defined in subsection 6204(3), generally means any person or partnership with whom the corporation does not deal at arm's length. Subsection 6204(2) generally provides that a share issued under an employee share purchase agreement will not be disqualified as a prescribed share because there is a right or obligation to redeem, acquire or cancel the share, where the right or obligation exists to protect an employee against any loss with respect to the share or to provide a market for the share.

Contact: Martine Lemire, Tax Legislation Division, Department of Finance, L'Esplanade Laurier, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel: 613-992-3031.

Food and Drug Regulations, amendment (Deletion of Nicotine 4 mg chewing gum) (SOR/97-410, OIC 1997-1147)

This amendment permits nicotine in the form of a chewing gum to be made available without a prescription for concentrations equivalent to 4 mg of nicotine or less per dosage unit.

Nicotine in a dosage form has been marketed in Canada as a temporary aid to smoking cessation since 1979. Nicotine 2 mg gum received nonprescription drug status in 1993.

The 2 mg strength is designed for those who smoke less than 25 cigarettes a day and 4 mg for the more heavily dependent smokers who smoke more than 25 cigarettes daily. This regulatory amendment will give heavier smokers increased access to a short-term aid for smoking cessation.

Based on a review of the known pharmacological and toxicological properties, reported adverse drug reactions and available literature, it has been concluded that the benefits of having nicotine 4 mg per dosage unit available as a nonprescription drug clearly outweigh the risks.

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

HCan/R-15-L

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Statutory Authority & Regulatory Plan Listing

Nicotine 4 mg gum is available without a prescription in 26 countries.

One of the consequences of the change is that consumers may be required to pay directly for the product which may have been previously covered by a drug insurance plan.

Currently consumers are paying approximately \$70.00 per box of 105 pieces, including wholesaler upcharge and prescription fee. The price for over the counter nicotine 4 mg chewing gum is anticipated to be approximately the same as the current \$70.00.

The daily cost (at \$70.00 per 105 pieces) is approximately \$6.50 per day, based on an average use of 10 pieces per day. This compares favourably with the immediate daily cost of smoking, which is approximately \$6.00 to \$8.00 per day for the heavy smoker for which nicotine 4 mg is intended.

A notice of Intent to deregulate was published in the Canada Gazette, Part I on December 28, 1996 with a seventy-five day comment period.

Contact: Julie Gervais, Risk Management and Regulatory Affairs Division, Bureau of Drug Policy and Coordination, Drugs and Medical Devices Directorate, Health Protection Building, Address Locator 0702B1, Tunney's Pasture Ottawa, Ontario, K1A 0L2. Tel: 613-952-3601; Fax Number: 613-941-6458; e-mail: Julie_gervais@inet.hwc.ca.

Food and Drug Regulations, amendment (Schedule No. 1055) (SOR/97-411, OIC 1997-1148)

This amendment establishes Maximum Residue Limits (MRLs) for fluazifop-butyl in flax and solin at 0.2 parts per million (ppm).

Fluazifop-butyl is registered under the *Pest Control Products Act* as a post emergent herbicide for the control of a wide range of annual and perennial grasses in broadleaf crops. MRLs have been established under the Regulations for fluazifop-butyl residues in soybeans, strawberries, mustard and milk.

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 Drug Regulations, amendment (Schedule No. 1062) (SOR/97-412, OIC 1997-1149)

This amendment establishes Maximum Residue Limits (MRLs) for glyphosate, including its metabolite, in soybeans at 20.0 parts per million (ppm). This new MRL harmonizes with the MRL for glyphosate in soybeans established by the United States Environmental Protection Agency and the Joint Food and Agriculture Organization of the United Nations/World Health Organization Food Standards Programme, Codex Alimentarius Commission.

Glyphosate is registered under the *Pest Control Products Act* as a preplant or post-harvest treatment in the control of annual and perennial weeds in crop and noncrop land. It is also registered for use as a preharvest treatment of selected crops, to control perennial grasses and for crop desiccation. Maximum Residue Limits (MRLs) for glyphosate have been established under the Regulations for barley and wheat milling fractions (excluding flour), barley, oats, soybeans, peas, wheat, lentils, beans, flax and the liver of cattle, goats, hogs, poultry and sheep. The MRL on other food crops is 0.1 ppm as specified in subsection B.15.002(1) of the Regulations.

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, subsection 30(1)

HCan/R-33-I

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Food and Drugs Act, subsection 30(1)

HCan/R-33-I

To be published in Canada Gazette September 17, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Food and Drug Regulations, amendment (Schedule No. 1061) (SOR/97-413, OIC 1997-1150)

This amendment establishes Maximum Residue Limits (MRLs) for sethoxydim in tomato paste at 15.0 parts per million (ppm); in dry beans and peas at 10.0 ppm; in beans at 5.0 ppm; in potatoes and tomatoes at 4.0 ppm; in artichoke, cabbage, cantaloupe, eggs, eggplants, mustard greens and spinach at 2.0 ppm; in celery, cucumbers, lettuce and squash at 1.0 ppm; in broccoli, corn, cranberries and liver of poultry at 0.5 ppm and in poultry meat at 0.2 ppm.

Sethoxydim is registered under the *Pest Control Products Act* as a post-emergence herbicide used in the control of grasses in certain broadleaf crops. MRLs for sethoxydim residues in soybeans, lentils, beans, peas, onions and tomatoes have been established under the Regulations.

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 September 17, 1997

Food and Drug Regulations, amendment (Deletion of Ranitidine 75 mg from Schedule F) (Schedule 1067) (SOR/97-414, OIC 1997-1151)

This amendment updates Schedule F to accurately reflect the regulatory status of ranitidine 75 mg. and permits ranitidine to be made available without a prescription for concentrations equivalent to 75 mg of ranitidine or less per dosage unit.

The indications on the label will be limited to symptomatic treatment of heartburn and acid indigestion. The maximum daily dose of ranitidine is limited to 150 mg. The recommended duration of treatment without medical supervision is 2 weeks.

Ranitidine has been marketed in Canada since 1982 and since 1981 worldwide. With ranitidine now marketed in 120 countries, there is a large body of post-marketing surveillance data to support the safety of ranitidine during "real world" use. Such broad safety experience has led to the availability of ranitidine 75 mg without a prescription in 11 countries.

A Notice of Intent to deregulate ranitidine 75 mg or less was published in Canada Gazette, Part I on May 17, 1997, with a forty five day comment period.

Contact: Karolyn Lu, Policy Division, Bureau of Policy and Coordination, Therapeutic Products Directorate, Health Protection Building, Address Locator 0702B1, Tunney's Pasture Ottawa, Ontario, K1A 0L2. Tel: 613-941-3693; Fax Number: 613-941-6458; e-mail: karolyn_lui@inet.hwc.ca.

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

HCan/R-15-L

To be published in Canada Gazette September 17, 1997

Government Employee Land Acquisition Order, 1997, No. 2 (SOR-97-415, OIC 1997-1152)

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

- Sean Fitzgerald, an employee of the Department of Canadian Heritage, to lease with option to purchase, for commercial and residential purposes, the whole of a parcel of land situated east of Haines Junction near the Dezadeash River in Quad 115 A/14 and the southwesterly boundary of Lot 86, Group 803.

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.

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

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

To be published in Canada Gazette September 17, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Order Prohibiting Entry on Certain Lands in the Yukon Territory (1997, No. 4) (SOR-97-416, OIC 1997-1153)

This Order responds to the request by the Yukon Government that the administration and control of Lot numbered 1025, Quad 105E/5 (land comprised of approximately 123.8 hectares) near kilometre 281.4 of the Klondike Highway, (Highway No. 2) in the Yukon Territory be transferred to the Commissioner of the Yukon Territory for airport purposes. To ensure that no new third-party interests are created on these lands, an Order Prohibiting Entry on Certain Lands in the Yukon Territory pursuant to section 98 of the *Yukon Placer Mining Act* and section 14.1 of the *Yukon Quartz Mining Act* has been issued.

This Order is required pursuant to the Yukon Arctic B&C Airports Transfer Agreement of March 27, 1990 between the Government of Canada and the Yukon Government. This Agreement was authorized by the Governor in Council pursuant to Order in Council P.C. 1989-1/1510 of July 27, 1989.

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.

Order Prohibiting Entry on Certain Lands in the Yukon Territory (1997, No. 5, Ddhaw Ghro Habitat Protection Area, Y.T.) (SOR-97-417, OIC 1997-1154)

This Order is designed to provide protection against locating, prospecting or mining under the *Yukon Placer Mining Act* and the *Yukon Quartz Mining Act* as per an Agreement with the Selkirk First Nation.

During negotiations of the Selkirk First Nation Final Agreement, it was agreed the Ddhaw Ghro area in the McArthur Wildlife Sanctuary contained unique habitat. Therefore, pursuant to clause 3.6 of that agreement, the designated lands are to be protected as a wildlife habitat area for the benefit of all Yukon people. The government has agreed that it will take steps to ensure that no new third-party interests are created on the identified lands for three years from the Effective Date of this Agreement, or until a management plan is approved.

The Order will be effective on the date it comes into force (August 28, 1997) and will end on August 31, 2000.

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.

Order Prohibiting Entry on Certain Lands in the Yukon Territory (1997, No. 6, Lhutsaw Wetland Habitat Protection Area, Y.T.) (SOR-97-418, OIC 1997-1155)

This Order is designed to provide protection against locating, prospecting or mining under the *Yukon Placer Mining Act* and the *Yukon Quartz Mining Act* as per an Agreement with the Selkirk First Nation.

During negotiations of the Selkirk First Nation Final Agreement, it was agreed that the Lhutsaw Wetland Area in the Von Wilczek Lakes Area, in the Yukon Territory, contained unique wetland habitat. Therefore, pursuant to Chapter 10, Schedule C, paragraph 1.4 of that agreement, the designated lands are to be protected as a wildlife habitat area for the benefit of all Yukon people.

Yukon Placer Mining Act, section 98; *Yukon Quartz Mining Act*, section 14.1

INAC/R-1-I;

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Yukon Placer Mining Act, section 98; *Yukon Quartz Mining Act*, section 14.1

INAC/R-1-I;

To be published in Canada Gazette September 17, 1997

Yukon Placer Mining Act, section 98; *Yukon Quartz Mining Act*, section 14.1

INAC/R-1-I;

To be published in Canada Gazette September 17, 1997

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Statutory Authority & Regulatory Plan Listing

The government has agreed that it will take steps to ensure that no new third-party interests are created on the identified lands for three years from the Effective Date of this Agreement, expected to be ratified in August 1997, or until a management plan is approved.

The Order will be effective on the date it comes into force (August 28, 1997) and will end on August 31, 2000.

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.

Freed & Freed International Ltd. Remission Order (SOR/97-419, OIC 1997-1156)

This Order remits \$29,345.25 in customs duties, paid on importations of wool fabric, to Freed & Freed International Ltd.

In 1993, Freed & Freed imported wool fabric from Russia. At the time of clearance of the shipment, the company presented certificates of origin provided by the Russian Federation Chamber of Commerce, as it was claimed that political unrest in the country prevented the issuance of a "Form A". These certificates were accepted by Customs and duty was paid at the General Preferential-Tariff (OPT) rate of 16.5%. In September 1994, the Form A was requested by the Department. The company tried several times to obtain the Form A documents from the exporter. They were told, however, that these documents could only be provided for shipments made in the last ten months and that requests relating to shipments earlier than that could not be granted.

As a result of the company's inability to provide the Form A within the time limit for filing appeals, the Department reassessed the original tariff treatment claim of GPT (16.5%) to the Most-Favoured-Nation Tariff (MFNT) rate (23.5%). This represents an increase in duties of \$29,000

Contact: Megan Clifford, A/Secretary, Interdepartmental Remission Committee, Department of National Revenue, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel: 613-952-7915.

Pension Benefits Division Regulations, amendment (SOR/97-420, OIC 1997-1157)

The proposed technical amendments to the Regulations deal with two-year vesting, the division of pension benefits under a Retirement Compensation Arrangement, consistency in the destination of pension funds, the adjustment to the C/QPP reduction of the member's pension after division, and adjustments to payments under reciprocal transfer agreements following a division of pension benefits.

The *Pension Benefits Division Act* and its Regulations which came into force on Sept. 30, 1994, provides a mechanism for recognizing court orders or spousal agreements allowing for the division of pension benefits between a member of a federal public sector pension plan and a spouse or former spouse on marital breakdown.

Contact: Joanne F. Lee, Director, Pensions Legislation Development Group, Pensions Division, Treasury Board Secretariat, Ottawa, Ontario, K1A 0R5. Tel: 613-952-3233; Fax: 613-952-3240.

Customs Tariff, section 101

RC/R-32-L

To be published in Canada Gazette September 17, 1997

Pension Benefits Division Act, subsection 30(1)

TBS/93-3-I

To be published in Canada Gazette September 17, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Motor Vehicle Safety Regulations, amendment (SOR/97-421, OIC 1997-1158)

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

This amendment makes minor changes to the Regulations. The changes include:

- the revision of several of the definitions contained in subsection 2(1) (e.g., “SAE Compatibility Fluid” has been revised to eliminate the reference to SAE RM-66-03 compatibility fluid which is no longer available commercially; the substitution of commas in French in several references to speed in km; changes in French, to use the correct terminology to correspond to the English);
- clarification of provisions that may have been subject to misinterpretation;
- the standardization or correction of terminology (e.g., use of “transmission control” to replace “shift”, “transmission shift”, “transmission shift control”, “transmission shift lever” and “transmission” when used to refer to the control; and
- the elimination of anomalies, inconsistencies, or obsolete requirements (e.g., repeal of section 211).

Not included in Regulatory Plan

To be published in Canada Gazette September 17, 1997

Since subsection 1 1(4) of the *Motor Vehicle Safety Act* waives the requirement for amendments that “make no substantive change to existing regulations” to be announced in the Canada Gazette Part I, the Department of Transport did not pre-publish its intention to make this amendment.

Contact: Paul Lemay, Automotive Safety Engineer, Road Safety and Motor Vehicle Regulation, Department of Transport, 330 Sparks Street, Place de Ville, Tower C, Ottawa, Ontario, K1A 0N5. Tel: 613-998-1967; Fax: 613-990-2913; e-mail: LEMAYP@TC.GC.CA.

Manitoba Hog Order, amendment (SOR/97-422, OIC 1997-1237)

Agricultural Products Marketing Act

This amendment recognizes legislative changes which have been made at the provincial level for regulating hog marketing in Manitoba.

The amendments to section 2 of the Order, and correspondingly to sections 3 and 4, are being made in view of a number of changes at the provincial level, including:

- the passage of a new Manitoba Hog Producers’ Marketing Plan (Manitoba Regulation 55/96) pursuant to which the marketing of hogs in Manitoba is regulated. This change now permits producers to market their hogs other than through Manitoba Pork est. as previously required.
- the passage of a new Hog Administration Levy Regulation, as Manitoba Regulation 123/96. This levy is payable on each hog the producer markets and is payable at the time and place the producer markets the hogs. This levy is to be used by Manitoba Pork est. only for its purposes.

Not included in Regulatory Plan

To be published in Canada Gazette September 17, 1997

Contact: Carola McWade, Director, Operations and Regulatory Affairs, National Farm Products Council, 270 Albert Street, 13th Floor, P.O. Box 3430, Station D Ottawa, Ontario, K1P 6L4. Tel: 613-995-9697; Fax: 613-995-2097.

Alberta Hog Order, amendment (SOR/97-423, OIC 1997-1238)

Agricultural Products Marketing Act

The amendment to Section 2 of the Order is being made in view of the change in the name of the Commodity Board from the Alberta Hog Producers Marketing Board to the Alberta Pork Producers Development Corporation.

The amendment will ensure that the Alberta Pork Producers Development Corporation has the power to regulate the marketing of hogs produced in Alberta, in inter-provincial and export trade, as well as its powers to regulate the marketing of hogs in intraprovincial trade pursuant to The Marketing of Agricultural Products Act.

Not included in Regulatory Plan

To be published in Canada Gazette September 17, 1997

Contact: Carola McWade, Director, Operations and Regulatory Affairs, National Farm Products Council, 270 Albert Street, 13th Floor, P.O. Box 3430, Station D Ottawa, Ontario, K1P 6L4. Tel: 613-995-9697; Fax: 613-995-2097.

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

British Columbia Chicken Order, amendment (SOR/97-424, OIC 1997-1239)

This Order replaces the existing British Columbia Broiler Order.

In the new Order, the definition of “Broiler”, “Commodity Board”, and “Scheme” are replaced by new definition reflecting the new name of the commodity board: the British Columbia Chicken Marketing Board in place of British Columbia Broiler Marketing Board.

In addition, the new definition of chicken is broadened to include any article of food or drink wholly or partially manufactured or derived from chicken.

Section 4 is added to the Order to standardize the new Order with Delegation Orders received by other commodity groups. The existing Order was in place prior to amendment to the *Agricultural Products Marketing Act* that added a separate section to the Act specifically referring to the imposition of levies.

The British Columbia Chicken Marketing Board name change made under the *Agriculture Products Marketing Act* provides the B.C. Chicken Marketing Board the right to extend the powers already granted to it by the Province of British Columbia to regulate the intraprovincial marketing of chicken (including the collection of levies) into the areas of inter provincial and export marketing for chicken produced in British Columbia.

The amendments to Section 1, 2 and 3 of the order are being made in view of the B.C. Broiler Marketing Board’s name change at the Provincial level. The amendments will ensure that the British Columbia Chicken Marketing Board (BCCMB) has the power to regulate the marketing of chicken produced in British Columbia, in inter provincial and export trade as well as its powers to regulate the marketing of chicken in intraprovincial trade pursuant to the Natural Products Marketing (British Columbia) Act.

Contact: Carola McWade, Director, Operations and Regulatory Affairs, National Farm Products Council, 270 Albert Street, 13th Floor, P.O. Box 3430, Station D Ottawa, Ontario, K1P 6L4. Tel: 613-995-9697; Fax: 613-995-2097.

Agricultural Products Marketing Act

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Pre-Published and Approved No comments or changes

Statutory Authority & Regulatory Plan Listing

Food and Drug Regulations, amendment (Schedule No. 1023) (SOR/97-403, OIC 1997-1140)

This amendment establishes Maximum Residue Limits (MRLs) for abamectin, and its isomer, in celery and head lettuce at 0.05 parts per million (ppm); in apples, citrus fruits, pears and strawberries at 0.02 ppm; in peppers and tomatoes at 0.01 ppm; and in almonds and walnuts at 0.005 ppm.

This schedule of amendments was published in the Canada Gazette Part I on January 18, 1997. No responses were received.

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, subsection 30(1)

HCan/R-33-I

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Pre-Published and Approved No comments or changes

Statutory Authority & Regulatory Plan Listing

Food and Drug Regulations, amendment (Schedule No. 1022) (SOR/97-404, OIC 1997-1141)

This amendment establishes Maximum Residue Limits (MRLs) for tebufenozide in apples at 1.0 parts per million (ppm).

Tebufenozide is an insecticide used for the control of caterpillars and worms. Tebufenozide is already approved for use on apples, in France, Japan and New Zealand and on some fruits in Switzerland.

This schedule of amendments was published in the Canada Gazette Part I on January 18, 1997. No responses were received.

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 September 17, 1997

Food and Drug Regulations, amendment (Schedule No. 1027) (SOR/97-405, OIC 1997-1142)

This amendment establishes Maximum Residue Limits (MRLs) for cyromazine and its metabolite melamine in celery, spinach and leaf lettuce at 10 parts per million (ppm), in mushrooms at 8.0 ppm, in head lettuce at 4.0 ppm, in green onions and peppers at 3.0 ppm, in dry potato products at 1.5 ppm, in tomatoes, melons, and cucumbers at 1.0 ppm, in potatoes at 0.5 ppm and in dry onions at 0.3 ppm.

Any residues of cyromazine and melamine in other foods will be covered by the general limit of 0.1 ppm specified in subsection B.15.002(1) of the Regulations.

Cyromazine is an insecticide used in the control of Colorado potato beetle, leaf miner and other insect pests.

The schedule of amendments was published in the Canada Gazette Part I on December 14, 1996. No responses were received.

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 September 17, 1997

Canada Business Corporations Regulations, amendment (SOR/97-406, OIC 1997-1143)

This amendment establishes the provisions under which the Director may exempt, from the application of provisions of the *Canada Business Corporations Act* (CBCA) requiring documents to be filed with the Director, those documents which contain information that is similar to information required to be made public pursuant to other federal or provincial legislation.

After consultation with interested parties and negotiations with the various provincial securities regulators, six documents have been initially identified as appropriate subjects of an order by the Director under section 258.2 of the CBCA:

- insider reports (s. 127);
- prospectuses (s. 193);
- statements of material facts or changes (s. 193);
- registration statements (s. 193);
- interim financial statements (s. 160); and
- news releases (s. 193).

The exemption order to be issued will identify the documents that shall be exempted from the application of specific CBCA provisions.

Canada Business Corporations Act, sections 258.2 and 261

IC/96-11

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Statutory Authority
&
Regulatory Plan Listing

A document identified in an exemption order will not be required to be filed with the Director provided that it has been filed in at least one of the applicable jurisdictions set out in the order pertaining to that document.

This initiative was also prepublished in the Canada Gazette, Part I of March 15, 1997 (see *Regulatory Affairs*, Vol. 3, No. 9, pp. 2-3, March 15, 1997). No comments were received.

Contact: Caroline P. Melia, Senior Compliance Policy Advisor, Corporations Directorate, Industry Canada, 9th floor, Jean Edmonds Tower South, 365 Laurier Avenue West, Ottawa, Ontario. Tel: 613-941-5755; Fax: 613-941-5781.

Pre-Published and Approved With comments or changes

Statutory Authority
&
Regulatory Plan Listing

Food and Drug Regulations, amendment (Deletion of cimetidine 100 mg from Schedule F) (Schedule 1020) (SOR/97-407, OIC 1997-1144)

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

This deregulatory initiative permits cimetidine in concentration of 100 mg per unit dose to be made available without a prescription.

HCan/R-15-L

The indications on the label will be limited to the treatment of episodic heartburn and the prevention of both nocturnal and meal induced heartburn.

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The selection of a 100 mg dose would allow the consumer to use the smallest effective oral dose and help decrease the possibility of significant drug interactions. The maximum daily dose of cimetidine is limited to 400 mg. The maximum duration of treatment without medical supervision is recommended to be two weeks. The safety and efficacy of cimetidine under these conditions supports its nonprescription status for the treatment and prevention of heartburn.

The label and package insert will advise the consumer to consult a physician or a pharmacist if they are taking theophylline (oral asthma medication), warfarin (blood thinning medicine), phenytoin (seizure medicine) or any other medication.

Cimetidine has been marketed worldwide since 1976, and has been administered to more than 56 million patients in 24 major countries. Cimetidine is currently available as a nonprescription drug in the United Kingdom and the United States.

This amendment was published in the Canada Gazette, Part I on November 16, 1996 with a thirty day comment period.

Contact: Julie Gervais, Risk Management and Regulatory Affairs Division, Bureau of Drug Policy and Coordination, Drugs and Medical Devices Directorate, Health Protection Building, Address Locator 0702B1, Tunney's Pasture Ottawa, Ontario, K1A 0L2. Tel: 613-952-3601; Fax Number: 613-941-6458; e-mail: Julie_gervais@inet.hwc.ca.

Ministerial Orders Approved

Statutory Authority & Regulatory Plan Listing

Off Grades of Grain and Grades of Screenings Order, amendment (SOR/97-425)

The Order changes the range of moisture content of tough Mixed Grain Oats from 14.1% to 17% to 13.6% to 17%. Normally, the moisture content tolerances for Mixed Grain are the same as the predominant grain in the sample.

The Order comes into effect on August 29, 1997.

Canada Grain Act, sub-section 19

Not included in Regulatory Plan

To be published in Canada Gazette September 17, 1997

Delegation of Powers (Customs) Order, amendment (SOR/97-426)

The Order amends the list of departmental officials to whom the Minister can delegate powers conferred by sections 131 to 133 of the *Customs Act*.

The Order comes into effect on September 2, 1997.

Contact: Greg Greene, A/Director, Adjudications Division, Department of National Revenue, 13th Floor, Sir Richard Scott Building, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5. Tel: 613-954-7273.

Customs Act, section 134

RC/96/R-30-L

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Co-operators General Insurance Company Exemption Order (SOR/97-427)

The Order exempts from the provisions of section 521 of the *Insurance Companies Act* a proposed purchase by Co-operators General Insurance Company to buy real property in London, Ontario from Co-operators Development Corporation Limited.

The Order comes into effect on September 3, 1997.

Insurance Companies Act, subsection 523(1)

Not included in Regulatory Plan

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