

Tracking Federal Regulatory Initiatives

Regulatory Affairs

VOL. 3, No. 3

February 1, 1997

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Pest Control Products Regulations, amendment; Regulations Prescribing the Fees to be Paid in Relation to the Administration of the Pest Control Products Act and the Regulations Made Thereunder

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

The proposed cost recovery initiatives would recover an estimated \$12.3-million per year, of the \$27.6-million in direct and indirect costs for the program in 1997-98.

The proposed application fees, which would be charged for the majority of the applications for registration of pest control products, include both a screening fee and an examination fee. They would not apply to submissions received before March 1995.

The proposed screening fees (10% of total fee payable) would not be imposed where screening was started or completed between April 1, 1995 and March 31, 1997.

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

HC/96-38-M

Published in Canada Gazette January 11, 1997

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

Application fees of \$1,000 or less require a single payment; larger fees will involve a 10% payment on application for screening, another 65% payment when picked up for review, and a final 25% on final approval.

For new Pest Control Product (PCP) numbers, companies can opt for a reduced fee based on 10% of anticipated gross sales from the first three years after the product is sold in Canada after registration. This option is designed for low sales volume niche products. This option would not be available for products registered under the Import for Manufacture and Export Program (IMEP).

Applications for User Requested Minor Use Label Expansion (URMULE) and for Own Use Import permits would not be subject to the application fees. Applications for Category A and B biopesticides will also be exempt from the application fees until the data requirements for these types of applications are defined.

An annual maintenance fee of \$2,690 for the right to manufacture or sell a product in Canada would be charged per registered product (per PCP number). A reduced fee of 3% of sales for the previous calendar year would also be available, with a minimum of \$150.

In Canada, there are some 2,000 pest control product submissions reviewed each year, with some 6,200 products currently registered.

The proposed cost recovery program is expected to result in higher costs of pest control products in Canada, perhaps as high as 3.5%.

During consultations, a number of concerns were raised:

- that the initial cost recovery target of \$16.5-million was too high (it was subsequently reduced to \$12.3-million);
- a lack of accountability of the program to stakeholders, to ensure an efficient and effective program (an Economic Management Advisory Committee has been announced to provide strategic advice on ways to reduce costs);
- that fees are not linked to performance in reviewing and approving applications (the idea is being examined, although a number of problems face such an approach);
- the need for an independent dispute settlement (to be developed later in 1997) and for a third-party review of operations (to be considered by the advisory committee);
- the need for regular reviews of the fee schedule (the first review will take place two years after the program is implemented);
- that the fees are retroactive to April 1, 1995.

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

Laurentian Pilotage Authority Regulations, amendment

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

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

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

Pilotage Act, subsection 20(1)

Not included in Regulatory Plan

Published in Canada Gazette January 25, 1997

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

Statutory Authority & Regulatory Plan Listing

Airport Vehicle Parking Charges Regulations, amendment

The proposed amendment would increase existing airport parking fees charged to the general public at a number of airport parking facilities, to bring them into line with rates charged by similar parking facilities, to moderate demand for vehicle parking at certain facilities, or to reflect a change in operation of parking facilities from a private operator to Transport Canada. They would introduce some new fees.

The fees would now include provincial sales tax for facilities at Ontario airports.

The amended fees would increase revenues by some \$312,145 per year, representing an increase of 21% in revenue for facilities with fees already in place.

Contact: Anne Gravelle, Air Terminal, Lands and Industrial, Business Management, Programs and Divestiture, Department of Transport, Place de Ville, Tower C, Ottawa, Ontario, K1A 0N8. Tel: 613-998-5162; Fax: 613-990-8889.

Aeronautics Act, subsection 4.4(2) and *Ministerial Regulations Authorization Order*, section 2

TC/R-6-I

Published in Canada Gazette January 11, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Income Tax Regulations, amendment (Part L, Pooled Fund Trusts) (SOR/97-105, OIC 1997-100)

The definition of a "pooled fund trust" is amended to add to the list of qualifying properties for a "pooled fund trust" any property that, under the terms or conditions thereof or any agreement relating thereto, is convertible into, is exchangeable for or confers a right to acquire, shares.

An interest in a "pooled fund trust", as defined in subsection 5000(7) of the *Income Tax Regulations*, can qualify for an exemption from the penalty tax on foreign property under Part XI of the *Income Tax Act*. One of the conditions for a trust to qualify as a "pooled fund trust" is that the total of the cost amount to the trust of qualifying properties must represent at least 80% of the total cost amount of all trust properties (other than real property).

Contact: Martine Lemire, Tax Legislation Division, Department of Finance, L'Esplanade Laurier, 140 O'Connor Street, 17th Floor, East Tower, Ottawa, Ontario, K1A 0G5. Tel: 613-992-3031; Fax: 613-992-4450.

Income Tax Act, section 221

FIN/96-32-M

To be published in Canada Gazette February 5, 1997

National Historic Parks Order, amendment (SOR/97-106, OIC 1997-101)

This amendment sets apart certain lands near Tuktoyaktuk, Northwest Territories, as Pingo Canadian Landmark.

The pingos, which are ice-cored hills covered with vegetation rising out of the tundra, are a unique natural phenomena of Canadian significance.

In accordance with the Western Arctic (Inuvialuit) Claims Settlement Act, which came into effect in 1984, the pingos within the area described in the schedule attached to the amendment are to be protected by the Minister of Canadian Heritage as Pingo Canadian Landmark.

In 1995, the administration of these lands was transferred from the Minister of Indian Affairs and Northern Development to the Minister of Canadian Heritage.

National Parks Act, sections 9 and 10

HER/R-4-L

To be published in Canada Gazette February 5, 1997

Exempt from Pre-Publication and Approved

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There is no specific legislation creating a landmark system to protect such unique features as the pingos. After a careful review by the Department of Justice, it was concluded that the setting apart of the pingos as a Canadian Landmark under sections 9 and 10 of the National Parks Act was the only way of both protecting them and fulfilling the obligations of the Minister of Canadian Heritage.

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

Order Referring Back to the CRTC Various Decisions (SI/97-25, OIC 1997-132)

The Order declines to set aside or refer back to the Canadian Radio-television and Telecommunications Commission (CRTC) Decision CRTC 96-731 of November 1, 1996 for reconsideration and hearing.

In the decision in question, the CRTC approved the applications by Craig Broadcast Systems Inc. (CBSI), on behalf of a company to be incorporated (A - Channel Inc./A - Channel), for broadcasting licences to carry on new, independent, English-language (television) programming undertakings in Alberta.

Broadcasting Act, subsection 3(1)

Not included in Regulatory Plan

To be published in Canada Gazette February 5, 1997

Pre-Published and Approved No comments or changes

Statutory Authority & Regulatory Plan Listing

National Parks Wildlife Regulations, amendment (SOR/97-102, OIC 1997-97)

The purpose of this initiative is to expand the definition of "wildlife" under the Regulations, in order to ensure the protection of all species of wildlife in Canada's national parks.

More specifically, the definition of "wildlife" is expanded to encompass all wild animals, including insects, fish and invertebrates.

The amendment also makes it an offence to traffic in wildlife procured from a park, to remove wildlife from a park or to possess wildlife obtained in a park, outside of the park.

Currently, the definition of "wildlife" leaves certain types of animals unprotected by the Regulations. Although some fish and invertebrates are already covered by the *National Parks Fishing Regulations*, others are not. Any type of fish or invertebrate not included in the Fishing Regulations will be covered by the new definition of "wildlife" in the Wildlife Regulations. In addition, to deal with any potential inconsistencies between the two sets of regulations, a provision is being added which states that in such an event, the National Parks Fishing Regulations will prevail.

Since the amended regulations will now make it an offence to disturb or destroy all wildlife, including insects, it was necessary to add a provision allowing reasonable self-protection from biting or stinging insects.

Much of the original impetus to change the National Parks Wildlife Regulations came in the form of widespread public outcry that some animals, particularly butterflies, were not protected in Canada's national parks.

National Parks Act, subsection 7(1)

HER/95-9-L

To be published in Canada Gazette February 5, 1997

Pre-Published and Approved No comments or changes

Statutory Authority & Regulatory Plan Listing

Enforcement problems relating to the current reference to dismantling of firearms, and new Criminal Code regulations regarding storage, display, handling and transportation of firearms, required that the Wildlife Regulations be made consistent with the Criminal Code. In addition, the absolute prohibition of the possession of firearms is extended to Forillon National Park.

These amendments were published in Part I of the Canada Gazette on November 2, 1996 and no comments were received.

Contact: Sharon Budd, Project Manager, Regulatory Development Legislative and Policy Branch, National Parks, Canadian Heritage, 4th Floor, 25 Eddy Street, Hull, Quebec K1A 0M5. Tel: 819-994-2698; Fax: 819-994-5140.

Crown Corporations Grants Regulations, amendment (SOR/97-103, OIC 1997-98)

This amendment retroactively authorizes these corporations to implement the principles of the Economic and Fiscal Statement tabled in the House of Commons on December 2, 1992, freezing their 1993 grants in lieu of taxes at 1992 levels.

Treasury Board Secretariat estimates savings for affected Crown corporations to be approximately \$8 million in 1993.

This proposal was prepublished in the Canada Gazette Part I, June 29, 1996 and no comments were received.

Contact: Bernard Deschamps, Senior National Officer, Municipal Grants Program, Real Property Services Branch, Public Works and Government Services Canada, Ottawa, Ontario, K1A 0S5. Tel: 613-736-2261; Fax: 613-736-2462.

Environmental Studies Research Fund Regions Regulations, amendment (SOR/97-104, OIC 1997-99)

The Regulations are being amended to redefine two of the prescribed areas for the purposes of the Environmental Studies Research Fund (ESRF): the Georges Bank, offshore Nova Scotia, and St. Pierre and Miquelon, offshore Newfoundland and Nova Scotia.

The purpose of the ESRF is to support environmental and social studies pertaining to the manner in which, and the terms and conditions under which, petroleum exploration, development and production activities should be conducted on frontier lands under various Acts. Such studies are funded through a levy on oil and gas interest owners on frontier lands.

The Georges Bank region has been under an oil and gas exploration moratorium since 1988. No levy is imposed on the petroleum industry for other regions of the frontier lands under moratoria, for example off the west coast and Baffin Bay. Therefore, omitting the Georges Bank region from ESRF levies would be consistent with other frontier lands moratorium areas.

The international boundary dispute between Canada and France over St. Pierre and Miquelon was resolved in June 1992 by the International Court of Arbitration. The disputed area had been part of the 31 Prescribed Regions. Now that the boundary issue has been resolved between the two countries, it is necessary to exclude the area that went to France from the Regulations.

The net result of these amendments will be that the petroleum industry will no longer be required to pay levies for interests owned in the two areas.

Municipal Grants Act,
paragraph 9(1)(f)

PWGS/94-2

To be published in Canada
Gazette February 5, 1997

*Canada Petroleum
Resources Act,* paragraph
83(c)

NRCan/94-33-L

To be published in Canada
Gazette February 5, 1997

Pre-Published and Approved No comments or changes

Statutory Authority
&
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The change was prepublished in the Canada Gazette Part I on July 27, 1996; no representation was received from affected parties.

Contact: Duncan Smith, Advisor, Regulations, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, 17th Floor, Ottawa, Ontario, K1A 0E4. Tel:613-992-1001; Fax: 613-943-2274.

Ministerial Orders Approved

Statutory Authority
&
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General Export Permit No. 12 - United States Origin Goods (SOR/97-107)

This permit authorizes the export from Canada of non-strategic United States origin goods to certain countries without the requirement of obtaining an individual export permit.

This measure reflects a decision responding to recent American legislation lifting economic and trade sanctions against Viet Nam.

Contact: Roger V. Lucy, Deputy Director, Export and Import Controls Bureau, Department of Foreign Affairs and International Trade, Lester B. Pearson Building, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2.

Export and Import Permits Act, subsections 7(1.1) and 10(1)

Not included in Regulatory Plan

To be published in Canada Gazette February 5, 1997

Regulatory Affairs

ISSN 1201-0716

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Publisher: Mary Ferguson; Editor: Jeff Carruthers

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