

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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Proposed Regulations for Pre-Publication in Part I, Canada Gazette	Statutory Authority
<p>Food and Drug Regulations, amendment (Schedule 1124)</p> <p>This proposed amendment would establish Maximum Residue Limits (MRLs) for imidacloprid, and its metabolites, in tomato paste at 6 parts per million (ppm), lettuce and brassica crops at 3.5 ppm, tomato puree at 3 ppm, grapes at 1.5 ppm, peppers, tomatoes and tomato juice at 1 ppm, pears at 0.6 ppm, mangoes at 0.2 ppm as well as canola oil and cottonseed oil at 0.05 ppm.</p> <p>Contact: The Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, Address Locator 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0K9. Tel: 613-736-3520/736-3671; Fax: 613-736-3505.</p>	<p><i>Food and Drugs Act</i>, sub-section 30(1)</p> <p>Published in Canada Gazette February 27, 1999</p>
<p>Food and Drug Regulations, amendment (Schedule 1125)</p> <p>This proposed amendment would establish a Maximum Residue Limit (MRL) of 3 parts per million (ppm) for glyphosate, including its metabolite, in corn.</p> <p>Contact: The Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, Address Locator 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0K9. Tel: 613-736-3520/736-3671; Fax: 613-736-3505.</p>	<p><i>Food and Drugs Act</i>, sub-section 30(1)</p> <p>Published in Canada Gazette February 27, 1999</p>

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

Food and Drug Regulations, amendment (Schedule 1130)

This proposed amendment would establish Maximum Residue Limits (MRLs) for clethodim, including its metabolites, in mustard seeds at 0.4 ppm; in sunflower (including sunola) seeds at 0.2 ppm; and in rapeseed (canola) at 0.05 ppm.

Contact: The Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, Address Locator 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0K9. Tel: 613-736-3520/736-3671; Fax: 613-736-3505.

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

Published in Canada Gazette February 27, 1999

Food and Drug Regulations, amendment (Schedule 1131)

This proposed amendment would establish Maximum Residue Limits (MRLs) of 0.05 parts per million (ppm) for diquat in eggs, meat, meat by-products, poultry meat and poultry meat by-products. These new proposed MRLs harmonize with those established by the Joint Food and Agriculture Organization of the United Nations / World Health Organization Food Standards Programme of the Codex Alimentarius Commission.

Contact: The Head, Food Residue Exposure Assessment Section, Pest Management Regulatory Agency, Health Canada, Address Locator 6605E1, 2250 Riverside Drive, Ottawa, Ontario, K1A 0K9. Tel: 613-736-3520/736-3671; Fax: 613-736-3505.

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

Published in Canada Gazette February 27, 1999

Food and Drug Regulations, amendment (1164 - Tertiary Butyl Hydroquinone)

This proposed amendment will provide for the use of tertiary butyl hydroquinone (TBHQ) in fats, oils, lard and shortening singly or in combination with butylated hydroxyanisole (BHA), butylated hydroxytoluene (BHT) or propyl gallate (PG), the total maximum level for all antioxidants not exceeding 0.02 percent.

Currently, TBHQ is an approved food additive in the United States where it is permitted to be added to fats and oils at levels up to 0.02 percent. TBHQ is also permitted to be used in Australia, New Zealand and Mexico.

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

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

Published in Canada Gazette February 27, 1999

Regulations Amending the Canadian Aviation Regulations (Part IV)

These proposed Regulations would amend two regulations in *Canadian Aviation Regulations* (CARs) Part IV (Personnel Licensing and Training).

One change would add a paragraph to CARs 406.38 (Maintenance Control Manual) to state that the Minister has the authority to and shall approve a flight training unit maintenance control manual and amendments to that manual where the Personnel Licensing and Training Standards are met. At present, although implicit in the contents of CAR 406.38 that the Minister has such an authority, there is no statement to that effect.

A change to CAR 406.41 would change the title of this regulation from Defect Rectification and Control Procedures to Defect Recording, Rectification and Control Procedures. This proposed change will ensure that the title more completely reflects the contents of CAR 406.41.

Contact: The Chief, Regulatory Affairs, AARBH, Transport Canada Safety and Security, Place de Ville, Tower C, Ottawa, Ontario, K1A 0N8. Tel: 613-993-7284; Fax: 613-990-1198.

Aeronautics Act, section 4.9

Published in Canada Gazette February 27, 1999

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

Regulations Amending the Motor Vehicle Safety Regulations (Lighting and Retroreflective Devices)

This proposed amendment makes four minor changes to section 108, "Lighting System and Retroreflective Devices".

A correction is made to a test [subsection 108(41)] that measures the ability of mechanically aimable headlamps to resist vertical deflection (limit of 0.3 degree) when a standardized mechanical aiming tool is attached to it. Gravity acting on the aiming tool will tend to deflect the headlamp downwards. The deflection test applies only to mechanically aimable headlamps. Other types of headlamp are aimed by means of integral aim indicators such as bubble levels or by visually inspecting the headlamp beam on a vertical projection screen.

The amendment adopts the equivalent test in United States Federal Motor Vehicle Safety Standard 108, in which the torque applied by the test instrument is constant, regardless of the lamp type.

The second change [subsection 108(47)] requires that a lamp designed solely for use as a daytime running lamp (DRL) [a stand-alone DRL] or DRL combined with a lamp not specified by section 108 must be designed to conform to the photometric design guidelines set out in Society of Automotive Engineers (SAE) Recommended Practice J2087 (SAE J2087) rather than the lower production conformity values set out in that recommended practice. Such an approach clarifies the original intent of SOR/96-366. Specifically, manufacturers have to design and certify their lighting equipment to the photometric design guideline values. This should assure that, with tolerances and adequate quality control procedures defined in the design, the compliance of the final product can be verified by using the production conformity values.

The third change [subsection 108(47.1)] allows manufacturers to fit fog lamps as DRLs without providing a manual fog lamp switch. The fog lamps would function only as DRLs - they could not be switched on and used as fog lamps when the DRLs are off, i.e. when the headlamps are on. Section 108 is being amended so that fog lamps that meet SAE J583 or ECE Regulation No. 19 may be used as independent DRLs and need not meet SAE J2087 requirements.

The fourth change [subsection 108(47.2)] postpones to September 1, 2003, the date after which DRLs provided by front turn signal-type lamps must comply with SAE J2087. Until then, turn signal-type DRLs on new vehicles may be designed to meet either SAE J2087 or the light intensity requirements that applied prior to July 1996 when section 108 was last amended. Turn signal-type DRLs formerly had to comply with the regular turn signal light intensity requirements augmented by an increased light intensity specification at one test point on the axis of the lamp.

This amendment also corrects an error in section 108.1, "Alternative Requirements for Headlamps", by deleting references to subsections of Canada Motor Vehicle Safety Standard (CMVSS) 108 that have been superseded by new requirements.

Contact: Marcin A. Gorzkowski, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel: 613-998-1967; Fax: 613-990-2913.

Motor Vehicle Safety Act,
subsections 5(1) and
11(1)

Published in Canada
Gazette February 27,
1999

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

Food and Drug Regulations - Schedule F Update (Schedule 1161)

Health Canada has announced its intention to add 10 drug substances to Part I of Schedule F so that they can only be sold by prescription.

These drug substances are:

- Alatrofloxacin and its salts and derivatives, an intravenous fluoroquinolone antibiotic indicated for the treatment of infections caused by susceptible bacteria.
- Becaplermin, a recombinant human platelet-derived growth factor indicated for the promotion of healing of full-thickness, lower extremity diabetic ulcers.
- Epsiprantel, an active agent indicated for the treatment of cestode infections in dogs and cats.
- Imiquimod and its salts, an immune response modifier indicated for the treatment of external genital and perianal warts in adults.
- Methazolamide and its salts, a carbonic anhydrase inhibitor used as an adjunct to reduce intraocular pressure in the treatment of glaucoma.
- Nevirapine and its salts, an inhibitor of the Human Immunodeficiency Virus (HIV) 1 reverse transcriptase indicated for use in combination with two reverse transcriptase inhibitor nucleoside analogues for the treatment HIV-1 infection when antiretroviral therapy is warranted.
- Nitroscanate, an active agent indicated for the treatment of cestode infections in dogs and cats.
- Penciclovir and its salts, an antiviral agent indicated for the treatment of recurrent herpes labialis (cold sores) in adult patients.
- Trovafloxacin and its salts and derivatives, an oral fluoroquinolone antibiotic indicated for the treatment of infections caused by susceptible bacteria.
- Vedaprofen and its salts and derivatives, a non-steroidal anti-inflammatory drug indicated for use in horses.

The regulatory amendment would also transfer the following drug from Part II to Part I of Schedule F: Praziquantel, an active agent indicated for the treatment of cestode infections in dogs and cats. This will result in prescription status for both the human and veterinary use of this drug. Praziquantel was previously added to Part II of Schedule F on May 14, 1998, therefore requiring a prescription for human use but not for animal use. The Bureau of Veterinary Drugs has now recommended, after reviewing new clinical information, that all cestocidal drugs be listed in Part I of Schedule F.

Contact: Joan Korol, Policy Division, Bureau of Policy and Coordination, Therapeutic Products Programme, 1600 Scott Street, 2nd Floor, Address Locator 3102C5, Ottawa, Ontario, K1A 1B6. e-mail: joan_korol@hc-sc.gc.ca.

Ranch-raised Fur Pelts Designation Regulations

This proposed Regulations would designate ranch-raised fur as an eligible crop under the Advance Payments Program (APP). Although ranch-raised fur is an animal product, its marketing system is similar to that of some crops and the system would benefit from the advance payments.

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

Published in Canada Gazette March 6, 1999

Agricultural Marketing Programs Act, subsection 30(1)

Published in Canada Gazette March 13, 1999

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

Statutory
Authority

The *Agricultural Marketing Programs Act* (AMPA) received royal assent on April 25, 1997. AMPA provides a common legislative base for the financial agricultural marketing programs.

The Advance Payments Program (APP) is one of the programs under AMPA and provides cash advances to producers at harvest based on the crops the producers have in storage. The legislation defines an eligible crop under the program as field crops, honey, maple syrup and any other agricultural product designated by the Governor in Council by regulation. The definition of agricultural product under the Act includes an animal product. Ranch-raised fur will be the first crop designated under the program by the Governor in Council.

Under the marketing structure for Mink, approximately 90 percent of the Mink are sold through auction houses. Mink producers are having an increasingly more difficult time in financing all costs of production until the pelts are sold at the auctions, which can be up to nine months after harvest. Advances would be beneficial to producers to provide the cash flow required to allow them to hold the product until the auctions.

Contact: Rosser Lloyd, Manager, Advance Payments Program, National Marketing Programs, Agricultural Industry Services Directorate, Agriculture and Agri-Food Canada, 2200 Walkley Road, Ottawa, Ontario, K1A 0C5. Tel: 613-957-4028, extension 2701.

Exempt from Pre-Publication and Approved

Statutory
Authority

Canadian Wheat Board Regulations, amendment (SOR/99-104, OIC 1999-296)

The amendment establishes a higher initial payment for the base grades of wheat (an increase of \$15 per metric tonne), amber durum wheat (an increase of \$12 per metric tonne) and barley (an increase of \$10 per tonne) for the 1998-99 crop year.

These Regulations come into force on March 9, 1999

Contact: Craig Fulton, Commerce Officer, Grains and Oilseeds Division, International Markets Bureau, Market and Industry Services Branch, Agriculture and Agri-Food Canada, Sir John Carling Building, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5. Tel.: 613-759-7698; Fax: 613-759-7476.

Canadian Wheat Board
Act, subparagraph
32(1)(b)(i), subsection
47(2) and section 61

To be published in Can-
ada Gazette March 17,
1999

Ontario Fishery Regulations, 1989, amendment (SOR/99-105, OIC 1999-315)

The amendments make a number of minor administrative amendments as well as introduce a number of restrictions designed to protect fishing resources:

The substantive changes include:

- adjusting the number of lines permitted from two to one for angling through the ice in the waters of Inner Parry Sound, Georgian Bay waters immediately west of Parry Sound, and a number of smaller lakes where ice fishing pressure is a concern to sustaining natural lake trout populations;
- allowing only the holders of a commercial bait licence or a bait dealer's licence to import leeches to Ontario for use as bait. This will enable Ontario to establish standards and conditions for importing leeches, which may carry diseases or otherwise negatively impact aquatic ecosystems;

Fisheries Act, section 43

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ada Gazette March 17,
1999

Exempt from Pre-Publication and Approved

Statutory Authority

- allowing only the holder of a resident sport fishing licence to take bait-fish for personal use. Ontario is concerned about the conservation and sustainability of the bait-fish resource. A review of the bait-fish licence system, that is currently in progress, includes discussion on options to manage the harvest of bait-fish;
- implementing a regulatory exemption under paragraph 3(2)(b) that is consistent with an existing practice to allow commercially purchased fish to be used in privately owned ponds for non-commercial purposes;
- restricting the use of smelt as bait in areas where invasion of the species would affect the productivity of naturally reproducing fish stocks;
- adjusting the conservation limits of yellow perch in waters where standard limits were recently introduced; and
- adjusting lake specific quotas, length limits or close times to maintain self-sustaining fisheries.

Contact: Bob Beecher, Director, Fish and Wildlife Branch, Ontario Ministry of Natural Resources, P.O. Box 7000, Peterborough, Ontario, K9J 8M5.

Customs Bonded Warehouses Regulations, amendment (SOR/99-106, OIC 1999-317)

These amendments introduce definitions of “bonded warehouse” and “Minister”, and make changes to legislative references. These have been necessitated by the passage of Bill C-11, which included a complete revision to the *Customs Tariff*.

More specifically:

“1. Section 2 of the Customs Bonded Warehouses Regulations is amended by adding the following in alphabetical order: “bonded warehouse” means a place licensed as a bonded warehouse by the Minister under subsection 91(1) of the Customs Tariff; (entrepôt de stockage)

“Minister” means the Minister of National Revenue; (ministre)

2. The Regulations are amended by replacing the expression “subsection 81(4)” with the expression “subsection 91(4)” in the following provisions:

(a) paragraph 3(1)(b); and (b) the portion of section 4 before paragraph (a).”

The changes result from the Tariff Simplification exercise and are needed in order to keep the legislative references current and accurate with the changes brought about by the passage of Bill C-11. This will prevent some confusion on the part of the importing community that might otherwise result if these amendments were not carried out.

These Regulations are deemed to have come into force on January 1, 1998.

Contact: Gerry Patterson, Manager, Regulation Liaison Unit, Trade Policy and Interpretation Directorate, Customs and Trade Administration Branch, Department of National Revenue, 2nd Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6891; Fax: 613-954-1423.

Radiocommunication Regulations, amendment (SOR/99-107, OIC 1999-320)

These amendments to the Regulations waive the requirement for obtaining a radio licence, in the aeronautical or maritime service, in order to operate radio apparatus (a mobile station) on board an aircraft, a ship, or a vessel provided that the apparatus complies with certain exemption criteria.

Customs Tariff, paragraphs 99(f) and (j), section 100 and subsections 91(4) & 141(1)

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Radiocommunication Act, section 6

To be published in Canada Gazette March 17, 1999

Exempt from Pre-Publication and Approved

Statutory
Authority

The exemption criteria cover:

- (a) restrictions relating to the international area of operation of the aircraft, ship or vessel;
- (b) technical requirements for the operation of mobile stations in the service to ensure proper operation of the radio apparatus in the applicable frequency bands; and
- c) the use of approved radio apparatus that meets applicable standards.

The criteria were selected to exempt as many mobile radio stations as possible based upon sound spectrum management principles and at the same time to not have a negative impact on safety in the aeronautical and maritime services. The exemption criteria also recognize that the majority of the licensees that operate mobile stations in the aeronautical or maritime services are granted similar operating privileges as a term and condition of their licence.

The Department is seeking a reciprocal operating agreement with the American Authorities that will allow exempt Canadian stations to operate in the United States without having to obtain a radio licence. The Americans have already eliminated their domestic licensing requirements.

Revenue from licence fees will decrease by approximately \$2.67 M with \$600 K attributed to the aeronautical service and \$2.07 M for the maritime service. This represents some 1% of the total licence fee revenue for the 1998-1999 fiscal year.

Licences for radio apparatus on board aircraft and ships will continue to be issued to comply with certain international treaty obligations. For example, a licence will be required for radio apparatus on board an aircraft that is registered in Canada and that flies in the territory of another country. The current annual radio licence fee of \$36 per station will apply.

A licence will also be required for radio apparatus on board a ship or vessel that is registered in Canada and that travels in the territory of another country. Ships or vessels compulsorily fitted with radio apparatus in accordance with the International Convention for the Safety of Life at Sea, 1974 or the Department of Transport's *Canada Shipping Act* may continue to require a licence. In each case, the current annual radio licence fee of \$36 per station will apply.

In the aeronautical or maritime service, fixed stations - those located at an airport or at a port - will still need to be licensed and pay the current annual renewal fee of \$41. Licensing of fixed stations in these services ensures compliance with international and domestic frequency coordination requirements.

A radio licence will also be required for aircraft and ship stations that use frequencies in the land mobile service and the applicable fees will be charged.

These Regulations come into force on April 1, 1999, to correspond to the time when most licences come up for renewal.

Contact: Darius Breau, Manager, Spectrum Management Operations Directorate, Radiocommunication and Broadcasting Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel: 613-990-4736; Fax: 613-952-9871; e-mail: breau.darius@ic.gc.ca

Exempt from Pre-Publication and Approved

Statutory Authority

Radiocommunication Regulations, amendment (SOR/99-108, OIC 1999-321)

These amendments to the Regulations ease the Canadian ownership requirements for licensing earth stations in the fixed and mobile satellite services.

The existing Regulations require that radiocommunication carriers be Canadian owned and controlled.

A new provision is being added to the Regulations so that Canadian ownership and control provisions do not apply to earth stations that provide telecommunications services by means of satellites. This provision that complements the provision in the *Telecommunications Act*.

The new provision removes the requirement for Canadian ownership and control of licence holders for earth stations in the fixed satellite service (FSS) and mobile satellite service (MSS) that provide telecommunications services by means of satellites.

The new section of the Regulations will allow a service provider that is not Canadian owned and controlled to be eligible to hold a radio licence as a radiocommunication carrier for earth stations in the fixed satellite service and the mobile satellite service.

The FSS uses fixed earth stations and one or more space stations to route radio signals between fixed locations. The MSS provides for communications between mobile stations (i.e. radio apparatus on board aircraft, ships and other vehicles) and space stations

The new provision excludes telecommunications services supplied for the transmission of services regulated under the *Broadcasting Act* where such services are intended for direct reception by the public, i.e. direct-to-home and direct-broadcasting satellite.

Contact: Ronald Amero, Director, Space and International Regulatory Activity Directorate, Radiocommunication and Broadcasting Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel: 613-998-3759; Fax: 613-952-9871; e-mail: amero.ron@ic.gc.ca

Public Agents Firearms Regulations, amendment (SOR/99-109, OIC 1999-322); Authorization to Export or Import Firearms Regulations (Businesses), amendment (SOR/99-110, OIC 1999-323); Gun Shows Regulations, amendment (SOR/99-111, OIC 1999-324)

The Regulations defer the coming into force of the *Gun Shows Regulations* until December 1, 1999; the coming into force of the *Authorization to Export or Import Firearms Regulations (Businesses)* until January 1, 2001; and the coming into force of Sections 1 to 17 of the *Public Agents Firearms Regulations* until January 1, 2001.

They also make consequential changes to references concerning the commencement date in sections 8(1), 9(1), 9(2) and 10(1) of the *Public Agents Firearms Regulations*.

Contact: Legal Counsel, Canadian Firearms Centre, Department of Justice, East Memorial Building, 284 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel: 1-800-731-4000; Fax: 613-941-1991.

Radiocommunication Act, section 6

To be published in Canada Gazette March 17, 1999

Firearms Act, paragraphs 117(l) and (m); sections 44 to 47, paragraphs 117(a), (b) and (i), subparagraph 117(k)(iii) and paragraph 117(w); paragraphs 117(g), (h) and (o)

To be published in Canada Gazette March 17, 1999

Exempt from Pre-Publication and Approved

Statutory Authority

Motor Vehicle Safety Regulations (Lighting and Retroreflective Devices), amendment (SOR/99-112, OIC 1999-330)

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

These amendments make several minor changes to section 108 “Lighting System and Retroreflective Devices” and section 108.1 “Alternative Requirements for Headlamps”.

To be published in Canada Gazette March 17, 1999

The changes accommodate a recent revision to Technical Standards Document (TSD) No. 108 “Lamps, Reflective Devices and Associated Equipment”; they respond to a manufacturer's petition; and they correct inaccuracies in the existing section 108.1.

This amendment to the Regulations corrects several references in section 108.1 to parts of TSD No. 108 that have changed as a result of a revision to TSD No. 108, notice of which will be given shortly in the Canada Gazette Part I, in accordance with section 17 of the Regulations

The revision to TSD No. 108 will allow a new type of headlamp, termed a visually-optically aimable (VOA) headlamp, providing a low beam that can be accurately aimed in the vertical direction by visual means as an alternative to the typical mechanically aimable headlamp which section 108 continues to allow.

Motorcycle headlamps designed to SAE standards, and ECE (European) headlamps for all vehicle types, have always been designed to be aimed in both directions visually or with optical equipment. This amendment to the Regulation exempts these two types of head-lamps from the optional requirement for either fixed horizontal aim or adjustable horizontal aim with an indicator, thus maintaining the requirement for horizontal adjustability without an indicator. There are two reasons for the exemption. First, the sharp outlines of the SAE motorcycle and ECE low beam patterns (compared to those specified for mechanically aimable head-lamps) when they are projected on a wall or vertical screen allow for accurate aiming by eye in both horizontal and vertical directions, thus removing the need for an indicator. Second, if manufacturers were allowed to delete the horizontal aim adjusters of motorcycle headlamps and ECE headlamps, some of them would become irreversibly misaimed as a result of bulb replacement, road shock or slight impacts, thus permanently increasing glare or reducing visibility distances.

This amendment avoids the unintended application of horizontal aiming requirements to existing headlamps and auxiliary lamps. The horizontal aiming requirements are, however, necessary to ensure that the VOA headlamps allowed by the revision to TSD No. 108 perform safely. These requirements would have increased the cost of motorcycles and vehicles equipped with auxiliary lamps while providing no safety benefit.

Existing paragraph (40)(b) allows fog lamps and other auxiliary front lamps that may be switched on with low beam headlamps to have fixed horizontal aim, because their broad symmetrical beam patterns are insensitive to horizontal aim.

This amendment also exempts auxiliary lamps and motorcycle headlamps from a requirement that adjustment of the aim in the horizontal direction shall not alter the vertical aim setting, and vice versa. Koito Manufacturing Co., Ltd., a lamp manufacturer, requested the exemption in the case of motorcycle headlamps because the low beam pattern required by the SAE standard subreferenced in TSD No. 108 is easily aimed by eye, and there has been a trend towards broader beams.

Exempt from Pre-Publication and Approved

Statutory
Authority

For the same reason and because of their insensitivity to horizontal aim, the department has decided to delete the test in the case of auxiliary lamps as well. However, the test remains applicable to headlamps of vehicles other than motorcycles because aim adjuster linearity contributes to the accuracy of aiming beams whose light intensities have sharper and asymmetrical variations in the horizontal direction.

With respect to Subsection 108.1(1)(d)(i), some references to TSD No. 108 had to be removed as they refer to aiming procedures and mechanisms that are not applicable to headlamps that conform to ECE Regulations.

With respect to Paragraph 108.1(1)(g) and subsection 108.1(4), by removing from subsection 108.1(1)(d)(i) reference to sub-section S7.8.5 of TSD No. 108, two requirements not related to the aiming procedure would be removed from section 108.1. In order to keep these requirements, a new paragraph and subsection are added to section 108.1. Some references to TSD No. 108 had to be removed as they refer to aiming procedures and mechanisms that are not applicable to headlamps that conform to ECE Regulations.

With respect to Subsection 108.1(5), this amendment also deletes from section 108.1 several out-of-date cross-references to a previous version of section 108.2.

These Regulations come into force 30 days after the day on which the notice is published in Canada Gazette, Part I, respecting amendments to Technical Standards Document No. 108, Lamps, Retroreflective Devices and Associated Equipment, regarding visual optical aiming of headlamps. The revision to the TSD is effective as of the date of publication of the notice in the Canada Gazette Part I, and is enforceable after 6 months of the date of publication of the Canada Gazette Part I.

Contact: Marcin A. Gorzkowski, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel: 613-998-1967; Fax: 613-990-2913; e-mail: gorzkom@tc.gc.ca

Order Adding Toxic Substances to Schedule I to the Canadian Environmental Protection Act (SOR/99-113, OIC 1999-331)

This amendment to Schedule I to the *Canadian Environmental Protection Act* adds the following substances after item 27:

28. Inorganic arsenic compounds; 29. Benzidine; 30. Bis(2-ethylhexyl)phthalate; 31. Inorganic cadmium compounds; 32. Chlorinated wastewater effluents; 33. Hexavalent chromium compounds; 34. Creosote-impregnated waste materials from creosote-contaminated sites; 35. 3,3'-Dichlorobenzidine; 36. 1,2-Dichloroethane; 37. Dichloromethane; 38. Effluents from pulp mills using bleaching; 39. Hexachlorobenzene; 40. Inorganic fluorides; 41. Refractory ceramic fibre; 42. Oxidic, sulphidic and soluble inorganic nickel compounds; 43. Polycyclic aromatic hydrocarbons; 44. Tetrachloroethylene; and 45. Trichloroethylene.

This Order comes into force on March 4, 1999.

Ocean Dumping Permit Fee Regulations (Site Monitoring) (SOR/99-114, OIC 1999-333)

The Regulations introduce a requirement upon publication for permittees who dispose of dredged or excavated material at sea to pay fees of \$470 per thousand cubic meters authorized under the permit for ocean dump site monitoring.

Canadian Environmental Protection Act, subsection 33(1)

To be published in Canada Gazette March 17, 1999

Financial Administration Act, paragraph 19.1(a))

To be published in Canada Gazette March 17, 1999

Exempt from Pre-Publication and Approved

Statutory
Authority

The Department of the Environment had originally intended to use disposal at sea regulations under a revised *Canadian Environmental Protection Act* (CEPA) for this new fee. A delay in the promulgation of the new CEPA resulted in these Regulations.

The fees shall be paid (a) in full prior to publication of the permit in the Canada Gazette; or (b) by payment of at least 50 per cent of the total fee, as calculated in accordance with section 2, prior to publication of the permit in the Canada Gazette and payment of the balance prior to the expiry of one half of the period for which the permit is valid.

Contacts: James Osborne, Head, Ocean Disposal and Shellfish Marine Environment Division, Toxic Pollution Prevention Directorate, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-953-2265. Arthur Sheffield, Regulatory and Economic Assessment Branch, Regulatory and Economic Issues Directorate, Policy and Communications, Department of the Environment Hull, Quebec, K1A 0H3. Tel: 819-953-1172.

Family Support Orders and Agreements Garnishment Regulations, amendment (SOR/99-115, OIC 1999-336)

This amendment reduces the amount of the fee to be charged for the processing of every garnishee summons served on the Minister of Justice under sections 58 to 60 of Part II of the *Family Orders and Agreements Enforcement Assistance Act*.

The amount of the fee will change, for a total period of five years, from \$405, payable in annual installments of \$81, to \$190, payable in annual installments of \$38.

Part II of the Act provides for the garnishment of designated federal moneys to satisfy support orders and provisions.

Contact: Ken Duford Director, Family Law Assistance Section, Department of Justice, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel: 613-998-5670; Fax: 613-990-8197.

Coin-Operated Devices Remission Order (SI/99-21, OIC 1999-326)

The *Excise Tax Act* was amended to provide that, after April 23, 1996, the GST payable is equal to zero on goods dispensed from, or services rendered through, the operation of a mechanical coin-operated device that is designed to accept only a single coin of 25¢ or less as the total consideration for the supply dispensed from the device.

The Tax Court of Canada has held that the GST was not applicable to these types of supplies, where the supplies were made before April 24, 1996. This Order ensures consistency of tax treatment for operators of such mechanical coin-operated devices.

More specifically:

“INTERPRETATION

1. The definitions in this section apply in this Order. “Act” means the Excise Tax Act. (Loi)

“eligible period” means the period beginning on January 1, 1991 and ending on April 23, 1996. (période admissible)

“eligible supply” means a supply in respect of which the tax payable under Division II of Part IX of the Act would be equal to zero because of subsection 165.1(2) of the Act if that subsection was in effect at the time the supply were made. (fourniture admissible)

“net tax” has the same meaning as in Division V of Part IX of the Act. (taxe nette)

“person” has the meaning assigned by subsection 123(1) of the Act. (personne)

Family Orders and Agreements Enforcement Assistance Act, paragraph 61(i)

To be published in Canada Gazette March 17, 1999

Financial Administration Act, subsection 23(2)

To be published in Canada Gazette March 17, 1999

Exempt from Pre-Publication and Approved

Statutory
Authority

“registrant” means a person who, at any time during the eligible period, was a registrant within the meaning assigned by sub-section 123(1) of the Act. (inscrit)

“reporting period” has the meaning assigned by subsection 123(1) of the Act. (période de déclaration)

REMISSION OF GOODS AND SERVICES TAX

2. Subject to sections 3 to 5, a registrant who, at any time during the eligible period, made eligible supplies is hereby granted, with respect to a reporting period of the registrant beginning in the eligible period, remission of tax payable under Part IX of the Act in respect of eligible supplies made by the registrant, determined by the formula

A - B

where A is the positive or negative amount of the registrant’s net tax for the reporting period; and B is the positive or negative amount that would have been the registrant’s net tax for the reporting period if that net tax did not include any amount collected or collectible by the registrant as or on account of tax under Division II of Part IX of the Act in respect of eligible supplies.

3. The amount of the remission under section 2 with respect to a reporting period of the registrant is reduced by the total of all amounts that were collected or collectible by the registrant as or on account of tax under Division II of Part IX of the Act in respect of eligible supplies and that are included in the net tax for the reporting period, or portion of that net tax, that remains unpaid at the time the registrant files an application for remission under section 5, if (a) that net tax is a positive amount; (b) an assessment of that net tax has not been made under section 296 of the Act before the time at which the registrant files the application; and (c) such assessment cannot, because of section 298 of the Act, be made at or after that time.”

Narcotic Control Regulations, amendment (SOR/99-124, OIC 1999-419); Regulations Amending the Food and Drug Regulations (Repeal of ministerial authorization, 1179) (SOR/99-125, OIC 1999-420)

These amendments to the *Food and Drug Regulations* and the *Narcotic Control Regulations* correct problems identified by the Standing Joint Committee for the Scrutiny of Regulations.

The corrections include:

- an amendment that formally revokes subsections G.06.001(1) and J.01.033(1) of the *Food and Drug Regulations*. The Committee considers that these subsections are not legally valid and for this reason they are being formally revoked so that they no longer appear in the Regulations;
- an amendment that formally revokes subsection 68(1) of the *Narcotic Control Regulations*. The Committee considers that this section is not legally valid and for this reason is being formally revoked so that it no longer appears in the Regulations;
- consequential amendments to the two Regulations resulting from the revocation of subsections G.06.001(1) and J.01.033(1) of the *Food and Drug Regulations* and subsection 68(1) of the *Narcotic Control Regulations*. These subsections are cross-referenced in numerous provisions within the two Regulations. Cross-references to subsections which are being revoked will now refer to section 56 of the *Controlled Drugs and Substances Act*.

Controlled Drugs and Substances Act, subsection 55(1); *Food and Drugs Act*, subsection 30(1)

To be published in *Canada Gazette* March 12, 1999 (Special Edition)

Exempt from Pre-Publication and Approved

Statutory
Authority

Subsection 68(1) of the *Narcotic Control Regulations* and subsections G.06.001(1) and J.01.033(1) of the *Food and Drug Regulations* permit research scientists at Canadian universities to obtain and utilize narcotic, controlled and restricted drugs for use in their scientific research. Approximately 600 such authorizations are issued on an annual basis.

Canadian companies have also obtained authorizations, under these Regulations, to obtain drugs for scientific purposes.

Subsection 68(1) of the *Narcotic Control Regulations* gives authority to practitioners to administer, prescribe, give, sell or furnish methadone to patients in the treatment of opioid dependence and for analgesia purposes. There are approximately 1,000 physicians currently authorized to prescribe this substance in Canada. New authorizations are issued on a daily basis.

These authorizations will now be granted under section 56 of the *Controlled Drugs and Substances Act* (CDSA). Section 56 of the CDSA states that the Minister of Health may, if he deems it necessary for medical or scientific purpose or, if it is in the public interest, exempt any person or any controlled substance from the application of all or any of the provisions of the CDSA.

A comprehensive review and rewrite of the *Narcotic Control Regulations* and relevant parts of the *Food and Drug Regulations* as part of a consolidation of all controlled drugs and substances Regulations under the *Controlled Drugs and Substances Act* is tentatively planned for the 2000-2001 fiscal year.

Contact: Julie Gervais, Policy Division, Bureau of Policy and Coordination, Therapeutic Products Programme, Health Canada, 1600 Scott Street, 2nd Floor, Address Locator 3102C5, Ottawa, Ontario, K1A 0L2. Tel: 613-952-3601; Fax: 613-941-6458; e-mail: julie_gervais@hc-sc.gc.ca

Pre-Published and Approved With comments or changes

Statutory
Authority

Farm Improvement and Marketing Cooperatives Loans and Fees Regulations, 1997 (SOR/99-122; OIC 1999-401)

The Regulations replace the *The Farm Improvement and Marketing Cooperatives Loans and Fees Regulations*, which are repealed, and make a number of improvements to the regime under the *Farm Improvement and Marketing Cooperatives Loans Act* (FIMCLA), a federal government loan loss indemnification program designed to increase the availability of loans for the purpose of the improvement and development of farms and the processing, distribution or marketing of farm products by cooperative associations.

The substantive changes from the previous regulations would:

- change the formula for determining the maximum interest rate which lenders can charge for fixed interest rate loans;
- increase the registration fee payable by the borrower for loans guaranteed under the Act;
- define the nature of security to be taken for guaranteed loans; and
- expand the definition of eligible activities.

Farm Improvement and Marketing Cooperatives Loans Act, sections 4, 6, 10, 12 and 15

To be published in Canada Gazette March 31, 1999

Pre-Published and Approved With comments or changes

Statutory
Authority

The registration fee payable by the borrower for loans guaranteed under the Act will increase from the current 0.5 percent of the loan amount to 0.85 percent of the loan amount. This increase is necessary in order to offset the borrowers' share of the increased level of defaults expected as a result of the increase in the program cap from \$1.5 to \$3 billion, and to cover program operating costs.

The Regulations were republished in the Canada Gazette Part I on June 6, 1998. Amendments have been made to that version of the Regulations: technical wording related to security provisions to take into account Quebec civil law concepts and the inclusion of claim and reporting requirements previously omitted; eligibility of fees and charges loans was added, to improve the effectiveness of the program's administration and conform with normal lending practises; allowing the registration of fees by lenders when, due to exceptional circumstances, more time is required; and a change in the coming into force of the regulations was amended to 60 days after the publication of the regulations in the Canada Gazette Part II to ease implementation. Contact: Richard Robert, National Marketing Programs, Market and Industry Services Branch, Agriculture and AgriFood Canada, 2200 Walkley Road, Ottawa, Ontario K1A 0C5. Tel: 613-957-7078, extension 2720; Fax: 613-996-2430.

Toronto - Lester B. Pearson International Airport Zoning Regulations (SOR/99-123; OIC 1999-402)

The zoning regulations limit the height of new buildings, structures and objects or additions to any existing buildings, structures or objects, including objects of natural growth, and will prohibit the disposal of any waste edible by or attractive to birds on lands within eight kilometres of the Toronto-Lester B. Pearson International airport reference point.

The regulations would also prohibit such lands from being used or developed in a manner that causes interference with any signals or communications to from any aircraft or to and from any facilities used to provide services relating to aeronautics.

Property owners within the limits of the outer surface, within a radius of 4,000 metres from the airport reference point, are restricted in any construction to an elevation of 45 metres above the airport reference point elevation and, within the runway approaches and transitional surfaces, to more restrictive limitations.

The Regulations define the limits of the zones within which activities are restricted.

In September 1994, the Minister of Transport announced the decision to construct a second north-south runway and the future possibility of additional east-west runways. The proposed regulations were republished again in September, 1997 in the Canada Gazette Part I.

Contact: Debra D. Taylor, Regional Director Civil Aviation, Transport Canada, Ontario Region, 4900 Yonge Street, Suite 300, Willowdale, Ontario, M2N 6A5. Tel: 416-952-0904.

Aeronautics Act

To be published in Canada Gazette March 31, 1999

Ministerial Orders Approved

Statutory Authority

Domestic Substances List, amendment (SOR/99-116); Domestic Substances List, amendment (SOR/99-117)

The first amendment adds 9001-05-2, 9001-60-9, 9001-64-3, 9002-13-5, 9003-99-0, 9026-00-0, 9026-93-1, 9029-12-3, 9029-44-1, 9067-77-0, 9075-65-4, 91782-44-4 to Part I of the Domestic Substances List and deletes 91782-44-4 from Part I of the Non-Domestic Substances List, and adds Enzymes 1.1.1.1, 1.1.1.37, 1.1.1.49, 1.1.3.21, 1.1.3.4, 1.1.3.6, 1.14.13.1, 1.2.1.5, 1.3.3.5, 1.7.3.3, 1.8.1.4, 2.7.1.1, 2.7.1.30, 3.1.1.34, 3.2.1.20, 4.1.1.15 to Part III of the Domestic Substances List and deletes Enzymes 1.1.1.1, 1.1.1.37, 1.1.1.49, 1.1.3.4, 1.1.3.6, 1.7.3.3, 1.8.1.4, 2.7.1.1, 2.7.1.30, 3.1.1.34, 3.2.1.20 from Part III of the Non-domestic Substances List.

The second amendment adds 4985-85-7 N, 50862-31-2 T, 56507-08-5 T, 63687-35-4 T, 64298-75-5 T, 65324-64-3 N, 65582-09-4 T, 68081-85-6 T, 68092-20-6 N, 68833-81-8 T, 68937-73-5 T, 72796-97-5 T, 74082-28-3 T, 75009-88-0 N, 86166-92-9 T, 109961-32-2 N, 118922-87-5 N, 125025-86-7 N, 126037-00-1 N, 137111-79-6 N, 139944-80-2 T, 149778-23-4 N, 162030-42-4 N, 189896-40-0 T, 202420-04-0 N to Part I of the Domestic Substances List and deletes 4985-85-7 N, 50862-31-2 T, 56507-08-5 T, 65324-64-3 N, 65582-09-4 T, 68081-85-6 T, 68092-20-6 N, 68833-81-8 T, 68937-73-5 T, 72796-97-5 T, 74082-28-3 T, 86166-92-9 T, 109961-32-2 N, 118922-87-5 N, 125025-86-7 N, 126037-00-1 N, 139944-80-2 T, 149778-23-4 N, 139944-80-2 T, 149778-23-4 N from Part I of the Non-Domestic Substances List and adds 14 substances to Part II of the Domestic Substances List.

Contacts: Martin Sirois, A/Head, New Substances Notification Section, New Substances Division, Commercial Chemicals Evaluation Branch, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-953-9348; Arthur Sheffield, A/Director, Regulatory and Economic Assessment, Regulatory Affairs and Program Integration Directorate, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-953-1172.

St. John's Harbour Dues Bylaw, amendment (SOR/99-118)

This By-law approves of St. John's Port Corporation changing harbour dues for St. John's harbour from time to time until January 1, 2002 at a rate not to exceed 4 per cent per year.

Contact: Sean Hanrahan, Chief Executive Officer, St. John's Port Corporation, P.O. Box 6178, 3 Water Street, St. John's, Newfoundland, A1C 5X8. Tel: 709-772-4582.

Delegation of Powers (VLA) Regulations, amendment (SOR/99-119)

This amendment adds Ronald A. Saunders and Sandra E. MacPhail to, and removes Kim Smallman from, the schedule to the *Delegation of Powers (VLA) Regulations*.

The schedule contains the names of employees of the Department of Veterans Affairs who are authorized to sign documents of title on behalf of "The Director, *The Veterans' Land Act*".

Contact: Richard A. Brunton, Director, Portfolio Legislation, Veterans Affairs Canada, 66 Slater Street, Room 1610 Ottawa, Ontario, K1A 0P4. Tel: 613-996-4173; Fax: 613-941-5434

Canadian Environmental Protection Act, subsection 30(1)

To be published in Canada Gazette March 31, 1999

Canada Ports Corporation Act, section 13

To be published in Canada Gazette March 31, 1999

Veterans' Land Act, subsection 48(2)

To be published in Canada Gazette March 31, 1999

Ministerial Orders Approved

Statutory Authority

Canada Deposit Insurance Corporation Differential Premiums By-law (SOR/99-120)

The By-law establishes the system of classifying member financial institutions into 4 categories, sets out the quantitative factors and the qualitative factors and criteria on which the categorization is based, and establishes procedures for classification.

Under the regulations, member institutions (other than subsidiaries of member institutions and new members as defined in the By-law) will file the Reporting Form and supporting documents set out in the By-law by April 30 in each year.

Canada Deposit Insurance Corporation (CDIC) will classify each member and notify it of its premium classification before July 15 of each year. Special rules apply to the scoring of amalgamated member institutions and the classification of new member institutions and members that are subsidiaries of other members.

The regulations also establish transitional rules for the scoring on quantitative factors for the years 1999 and 2000. The maximum annual premium established under subsection 21(4) is 1/3 of 1% of insured deposits. To provide for a transition to the new differential premiums system, the premium rate for category 4 will be the same as that for premium category 3 for the first two years of the implementation of the By-law. This means that member institutions classified in both premium categories 3 and 4 will be paying the same rate as under the previous system, which is 1/6th of 1 percent of insured deposits.

The following outlines the premium structure in the Bylaw: Premium Category 1, 12.5% x .33%; Premium Category 2, 25% x .33%; Premium Category 3, 50% x .33%; and Premium Category 4, (a) 50% x .33% for the first two years of the By-law; and (b) 100% x .33% thereafter.

The implementation of the differential premium system will result in a significant decrease in premiums for most member institutions. CDIC estimates that its premium revenue for the premium year commencing May 1, 1998 will decrease to between \$125 million and \$175 million as result of the change. In the premium year ending April 30, 1998, CDIC's premium revenue was \$514 million.

This By-law comes into force on March 31, 1999.

Contact: Reg Neale, Director of Insurance Rating and Information, Canada Deposit Insurance Corporation, 50 O'Connor Street, 17th Floor, Ottawa, Ontario, K1P 5W5. Tel: 613-943-0613; Fax: 613-996-6095; e-mail: rneale@cdic.ca

Canada Deposit Insurance Corporation Deposit Insurance Policy By-Law, amendment (SOR/99-121)

The amendments add a non-disclosure provision to the Policy of Deposit Insurance ("Policy") of each member institution of the Canada Deposit Insurance Corporation ("CDIC") for a three year period from March 31, 1999, to prevent members from disclosing premium rate information, including examiner's ratings, to third parties for that period.

The non-disclosure provision is being added as a result of the implementation of the differential premiums system. Premium rate and related information will be given to each member under that system, necessitating the development of a mechanism to ensure that member institutions will hold such information in confidence.

Canada Deposit Insurance Corporation Act, paragraph 11(2)(g) and section 21

To be published in Canada Gazette March 31, 1999

Canada Deposit Insurance Corporation Act, paragraph 11(2)(g) and section 21

To be published in Canada Gazette March 31, 1999

Ministerial Orders Approved

Statutory
Authority

The amended By-law defines “prescribed information” to include a member’s category, its premium rate, its total score, and its quantitative and qualitative scores under the *CDIC Differential Premiums By-law*. A member is also prohibited from disclosing any other qualitative information given to it by CDIC, its regulator or its examiner that, taken alone or together with other information, would enable the determination of prescribed information.

An exemption to the non-disclosure condition is where the examiner gives a member institution its rating directly and does not prohibit the disclosure. A second exemption allows a member institution to disclose prescribed information internally and to its auditor and legal counsel, if that information remains confidential.

The benefit of the non-disclosure provision is to allow a CDIC member to have access to the information underlying its differential premiums rating, including the examiner’s rating component. As a result, a member can understand the basis of the classification and, if necessary, take appropriate action to improve it. Without a non-disclosure provision binding on both federal and provincial members of CDIC, examiners for those members were unwilling to release examination information to CDIC for use in the differential premium system. Such information is a key component of the system.

The amendments to the Policy will remain in effect for three years from the date of the coming into force of the *Differential Premiums By-law*, March 31, 1999.

Contact: Reg Neale, Director of Insurance Rating and Information, Canada Deposit Insurance Corporation, 50 O’Connor Street, 17th Floor, Ottawa, Ontario, K1P 5W5. Tel: 613-943-0613; Fax: 613-996-6095; e-mail: rneale@cdic.ca

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