

# Tracking Federal Regulatory Initiatives

# Regulatory Affairs

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<b>Proposed Regulations for Pre-Publication in Part I, Canada Gazette</b>	<b>Statutory Authority &amp; Regulatory Plan Listing</b>
<p><b>Prohibition of Certain Toxic Substances Regulations, amendment</b></p> <p>The proposed Regulations would prohibit the manufacturing, use, processing, offer for sale, sale and importation into Canada of (4-Chlorophenyl)cyclopropylmethanone, 0-[(4nitrophenyl)methyl]oxime.</p> <p>The purpose of the Regulations is to prevent its use in Canadian commerce. The substance was previously prohibited temporarily from being manufactured or imported for two years; the prohibition expires December 20, 1997.</p> <p>The substance will be placed on the list of Toxic Substances (Schedule I) of the <i>Canadian Environment Protection Act</i> (CEPA), inserted to the Schedule of the Regulations at the date of entry into force of the proposed amendment, and will be added to the List of Prohibited Substances, Schedule II, Part I of CEPA.</p> <p>Contact: Nathalie Tremblay, Commercial Chemicals Evaluation Branch, Pollution Prevention Directorate, Environmental Protection Service, Department of the Environment, Ottawa, Ontario, K1A 0H3. Tel: 819-953-4122; Arthur Sheffield, Regulatory and Economic Assessment Branch, Regulatory Affairs and Program Integration Directorate, Environmental Protection Service, Department of the Environment, Ottawa, Ontario, K1A 0H3. Tel: 819-953-1172.</p>	<p><i>Canadian Environmental Protection Act</i>, subsection 34(1)</p> <p>Not included in Regulatory Plan</p> <p>To be published in Canada Gazette October 4, 1997</p>

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# Proposed Regulations

## for Pre-Publication in Part I, Canada Gazette

### Statutory Authority & Regulatory Plan Listing

#### **Order Adding a Toxic Substance to Schedules I and II of the Canadian Environmental Protection Act**

The proposed Order would add (4-Chlorophenyl)cyclopropylmethanone, 0-[(4-nitrophenyl)methyl]oxime to Schedule I of the Canadian Environmental Protection Act (CEPA) and would add the substance to Part I or Schedule II, after item 10.

The Order comes into force on the date on which it is registered.

Objections to the proposed order must be filed within 60 days of the Canada Gazette Part I publication.

Contact: Nathalie Tremblay, Commercial Chemicals Evaluation Branch, Pollution Prevention Directorate, Environmental Protection Service, Department of the Environment, Ottawa, Ontario, K1A 0H3. Tel: 819-953-4122; Arthur Sheffield, Regulatory and Economic Assessment Branch, Regulatory Affairs and Program Integration Directorate, Environmental Protection Service, Department of the Environment, Ottawa, Ontario, K1A 0H3. Tel: 819-953-1172.

#### **Canada Occupational Safety and Health Regulations, amendment (Diving Operations)**

The proposed regulations would establish requirements relating to the training and medical certification of divers as well as procedures to be followed by employers and divers to meet recognized standards of operational and equipment safety in all aspects of diving operations.

They would cover diving operations conducted for the purposes of scientific research, criminal investigation, and underwater construction and inspection.

The proposed regulation would apply to all diving operations taking place under federal jurisdiction, except those subject to the following regulations: the *Canada Oil and Gas Diving Regulations*, the *Nova Scotia Offshore Area Petroleum Diving Regulations* and the *Newfoundland Offshore Area Petroleum Diving Regulations*.

The impetus for this proposed new regulation was an accident that claimed the lives of two divers working at the St. Lawrence Seaway. A subsequent coroner's inquest recommended regulation of diving operations as a preventative measure to maximize the divers' safety, and specifically, to reduce the risk of fatal accidents.

Contact: Diane Rguem, Senior Legislative Officer, Hull, Quebec, K1A 0J2. Tel: 819-953-0230; Fax: 819-953-1743.

#### **Laurentian Pilotage Tariff Regulations, 1996, amendment**

The proposed changes to the regulations will increase all pilotage tariffs by 5% on January 1, 1998 and by a further 3% on January 1, 1999.

The proposed regulation would also repeal the *Laurentian Pilotage Authority Pilot Boat Tariff Regulations, 1997*, since these regulations would cover pilot boat charges.

The port to port charge is to be increased by \$600 per occurrence, generating an estimated \$180,000 in revenue.

The proposed tariffs will increase costs to users by an estimated \$1,679,000 in 1998 and \$1,059,000 in 1999.

The regulations would come into effect January 1, 1998.

Contact: Jean-Claude Michaud, Chairman, Laurentian Pilotage Authority, P.O. Box 680, Tour de la Bourse, Montréal, Quebec, H4Z 1J9. Tel: 514-496-1501; Fax: 514-496-2409.

*Canadian Environmental Protection Act*, subsections 33(1) and 41(1)

Not included in Regulatory Plan

To be published in Canada Gazette October 4, 1997

*Canada Labour Code*, sections 125, 126 and 157

HRD/94-8-I; HRDC/95-8-0-I

To be published in Canada Gazette October 4, 1997

*Pilotage Act*, section 33

TC/97-5-L

To be published in Canada Gazette October 4, 1997

## Exempt from Pre-Publication and Approved

## Statutory Authority & Regulatory Plan Listing

**Order Prohibiting Entry on Certain Lands in the Yukon Territory (1997, No. 8, Fort Selkirk Historic Site, Y.T.) (SOR/97-459, OIC 1997-1424);  
Order Respecting the Withdrawal of Certain Lands in the Yukon Territory (Fort Selkirk Historic Site, Y.T.) (SI/97-117, OIC 1997-1425)**

These Orders protect the Fort Selkirk Historic Site as a historic site pursuant to the land negotiations under the Selkirk First National Final Agreement. No new third-party interests are to be created on the identified lands for three years from the effective date of the Final Agreement, which was expected to be ratified in August, or until a management plan is approved.

In order 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.

The Order will come into effect on the date the agreement comes into force and 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; Fax: 819-953-2590.

**Order Prohibiting Entry on Certain Lands in the Yukon Territory (1997, No. 9, Tombstone Territorial Park Reservation, Y.T.) (SOR/97-460, OIC 1997-1426);  
Order Respecting the Withdrawal of Certain Lands in the Yukon Territory (Tombstone Territorial Park Reservation, Y.T.) (SI/97-118, OIC 1997-1427)**

These Orders protect the proposed Tombstone Territorial Park, whose boundaries would be expanded beyond those covered in an earlier Order (OIC P.C. 1994-239), pursuant to land claim negotiations with the Tr'on dek Hwech'in (Dawson First Nation).

The Prohibition Order will protect the lands in the Tombstone Territorial Park Reservation against locating, prospecting or mining as per the Agreement with the Tr'on dek Hwech'in.

The Order comes into force October 2 and ends December 31, 1999.

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; Fax: 819-953-2590.

**Order Amending Schedule II to the Yukon First Nations Self-Government Act (SOR/97-456, OIC 1997-1420)**

The Order adds to Schedule II the following: Little Salmon/Carmacks First Nation.  
The Order comes into effect on October 1, 1997.

*Yukon Placer Mining Act*, section 98; *Yukon Quartz Mining Act*, section 14.1; *Territorial Lands Act*, paragraph 23(a)

INAC/R-1-I;

To be published in Canada Gazette October 15, 1997

*Yukon Placer Mining Act*, section 98; *Yukon Quartz Mining Act*, section 14.1; *Territorial Lands Act*, paragraph 23(a)

INAC/R-1-I;

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*Yukon First Nations Self-Government Act*, subsection 5(2)

Not included in Regulatory Plan

To be published in Canada Gazette Oct. 15, 1997

## Pre-Published and Approved With comments or changes

## Statutory Authority & Regulatory Plan Listing

### Copyright Regulations (SOR/97-457, OIC 1997-1422); Copyright Fees Order, repeal (SOR/97-458)

The current Copyright Rules are repealed in their entirety and replaced with new regulations called the *Copyright Regulations*. Also repealed is the Copyright Fees Order.

The changes reflect a number of events:

- the repeal of the compulsory licensing regimes for books in order to meet the harmonization obligations under the North American Free Trade Agreement (NAFTA). The former royalty system and Forms 1-8 in the Copyright Rules have been repealed.
- the move to cost recovery for all fees for services provided by the Copyright Office. The Copyright Fees Order is repealed and the fees are instead incorporated as a Schedule to the Regulations. The fees are being increased.
- the passage of Bill C-32, *An Act to amend the Copyright Act*. The new Regulations set out a modernized copyright registration process administered by the Copyright Office. The Copyright Office will now cover registration of performer's performances, sound recordings, and communication signals. With regard to the registration process, other changes include:
  - elimination of the mandatory use of approved application forms and instead permits applicants to provide necessary information in a form they find convenient;
  - the provision of names and addresses of parties involved registrations of an assignment of copyright or a licence granting an interest in copyright, along with a description of the interest being transferred and the title and registration number, where applicable.
  - the ability of the Copyright Office to close pending applications where there has been a lengthy period of inactivity and where the Office has sent to the applicant a notice of intention to close the file. Once a file is closed in this manner, it cannot be reactivated except by a new application.

The proposed fees set out in the Tariff of Fees Schedule include:

- a fee of \$65 for accepting an application for registration of a copyright under sections 55 and 56 of the Act, accepting for registration an assignment or licence of a copyright pursuant to section 57 of the Act, processing a request for accelerated action on an application for registration of a copyright or for registration of an assignment, licence or other document, or correcting a clerical error in any instrument of record including, without further fee, issuing a corrected certificate of registration of copyright, pursuant to section 61 of the Act, or processing a request to include in the Register of Copyrights any other document affecting a copyright.
- a fee of \$35 for the certificate certifying a copy of a document;
- a fee of \$50 for each page for certifying a copy of a document;
- a fee of \$50 for providing copies of or extracts from the Register of Copyrights, or copies of certificates, licences or other documents, for each page.

The Regulations, which come into effect Oct. 1, 1997, were prepublished in the Canada Gazette Part I on Aug. 9, 1997 (see *Regulatory Affairs*, Vol. 3, No. 29, p. 3, Aug. 9, 1997). Some comments received raised concerns about the increase in copyright registration fees.

Contact: Linda Steingarten, Registrar of Copyrights Phase I, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel: 819-997-1657; e-mail: Steingarten.linda@ic.gc.ca.

*Copyright Act, sections 59 and 62*

IC/94-6-I

To be published in Canada Gazette October 15, 1997

## Pre-Published and Approved With comments or changes

## Statutory Authority & Regulatory Plan Listing

### **Lego Canada Inc. Remission Order, No. 2 (SOR/97-461, OIC 1997-1428)**

This Order remits to Lego Canada Inc. (Lego) the amount of \$43,400.28 in customs duties and sales taxes. It is the result of 18 accounting documents that were omitted in the Lego Canada Inc. Remission Order, P.C. 1996-1789.

This remission compensates Lego for the amount of duties and taxes that would otherwise have been refunded had it not been for the erroneous advice given to the importer by the Department.

Departmental officials assessed a rate of duty under the Most-Favoured-Nation Tariff treatment on plastic toy construction sets imported into Canada by Lego during the period 1989 to 1993. Lego maintained that the goods qualified for United States Tariff treatment at a lower rate of duty. It subsequently filed appeals to the Department. However, following erroneous information provided by departmental officials on the appeals process, Lego did not submit claims for refund of duties on shipments imported between August 1990 and April 1992. Thus, some of the shipments imported by Lego were not covered by protective appeals and were ineligible for a refund when it was determined that the goods qualified for the lower rate of duty.

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.

*Customs Tariff*, section 101

RC/R-32-L

To be published in Canada Gazette October 15, 1997

### **Kulka Distributors Limited Remission Order (SOR/97-462, OIC 1997-1429)**

This Order remits some \$62,405.66 in outstanding duties had accumulated which Kulka Distributors Limited had been led to believe would not become payable. That amount represents an unforeseen and unrecoverable expense for the small business and, if collected, would create an economic hardship for Kulka.

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.

*Customs Tariff*, section 101

RC/R-32-L

To be published in Canada Gazette October 15, 1997

### **Motor Vehicle Safety Regulations, amendment (section 111, "Rearview Mirrors") (SOR/97-463, OIC 1997-1432)**

This amendment, which pertains mainly to the mirror systems on school buses, introduces a performance-oriented standard for school bus mirror systems that requires bus drivers to be able to see, either directly or through mirrors, specified areas in front of and along the sides of school buses.

By eliminating the blind spots around school buses, the changes to the requirements governing school bus rearview mirror systems will improve the safety of children in school bus loading zones and reduce the number of child deaths and injuries that occur each year. Given that the new standard would add less than \$625,000 a year to school bus manufacturing costs, the Government believes the potential safety benefits of the proposed changes would far outweigh the cost of more stringent outside rearview mirror requirements.

In order to improve school bus safety to the extent that the Department of Transport believes is feasible, several requirements have been adopted that do not harmonize with requirements of the U.S.

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

Not included in Regulatory Plan

To be published in Canada Gazette October 15, 1997

## Pre-Published and Approved With comments or changes

Statutory Authority  
&  
Regulatory Plan Listing

In addition to introducing new requirements for school bus mirror systems, this amendment clarifies the provision governing the reflectance of mirrors, the previous wording of which may have given the impression that it was not permissible to use electrochromic mirrors. The heading of section 111 has also been changed from "Rearview Mirrors" to simply "Mirrors", and the Regulation has been reorganized and revised in order to make it easier to understand. The requirements governing the mirrors of vehicles other than school buses remain the same.

According to collision statistics, the school bus is one of the safest means of transportation; however, the current configuration of school bus mirror systems does not provide the driver with a continuous view of the areas in front and to the sides of the bus. As a result, each year children are killed or injured by the school buses they are about to board or have just disembarked. This proposal introduces a new performance-oriented standard for school bus mirror systems that would improve the driver's view of the outside of the bus.

Section 111's subparagraph on reflectivity makes specific mention of prismatic mirrors, but not electrochromic mirrors, which may appear to exclude the latter. In order to remove this perceived restriction, the reference to prismatic-type mirrors would be deleted and replaced with broader terminology. This change would harmonize Canada's reflectivity requirements with those of the United States.

This amendment comes into effect on November 30, 1997. This date differs from that published in the Canada Gazette Part I on September 28, 1996, which proposed that the amendment would be effective on the date of its registration by the Clerk of the Privy Council (which would have been October 2, 1997).

After the proposal was prepublished, the Government decided that the amendment should be effective on a specific date. In response to queries from several school bus manufacturers about when the effective date would be, the Department of Transport estimated that the amendment would be registered in the fall of 1997; consequently, the date of November 30, 1997, was selected.

The new requirements do not apply to the mirror systems of school buses that are already in use, which fall under provincial or territorial jurisdiction.

As a result of comments from Quebec suggesting that schoolbus crossview mirrors be heated, to provide the driver with a clear view in all weather, the Department will be studying the feasibility of requiring heated mirrors, not only on school buses, but on all classes of vehicle, before mandating their use.

Blue Bird Body Company made a number of comments on the proposal that led to several changes in the requirements of the Regulation.

In one comment, the company expressed concern about the possible misinterpretation of proposed paragraph 111(1)(e), which stated that the driver's view of the mirror must not be "obscured by the portion of the windshield that is not wiped or by any opaque portion of the vehicle structure". Blue Bird wanted to ensure that this provision would not be interpreted as requiring the entire mirror surface of all the mirrors to be visible through the side windows of the bus or the wiped portion of the windshield.

The Department revised the paragraph in order to prevent misinterpretation. Rather than specifying that mirrors must "be installed so that the driver's view of the mirror is not obscured . . .", the paragraph has been amended to state that mirrors must "be installed so that the driver's field of view through the mirror is not obscured . . .".

## Pre-Published and Approved With comments or changes

Statutory Authority  
&  
Regulatory Plan Listing

This change makes it clear that the entire mirror surface does not have to be visible through the side windows of the bus or the wiped portion of the windshield, without inviting the use of mirrors that are larger than necessary.

Contact: Paul Lemay, P.Eng., Automotive Safety Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel: 613-998-1967; Fax: 613-998-4831.

## Ministerial Orders Approved

Statutory Authority  
&  
Regulatory Plan Listing

### Canadian Chicken Marketing Agency Quota Regulations, 1990, amendment (SOR/97-455)

*Farm Products Agencies Act*, paragraph 22(1)(f)

This amendment, which comes into force on October 26, 1997, establishes the 1997 periodic allocation for the period from October 26, 1997 to December 20, 1997 for producers who market chicken in interprovincial or export trade.

Not included in Regulatory Plan

The new limits are as follows:

- production subject to federal and provincial quotas (in live weight, kilograms), for Ontario, 51,993,001; for Quebec, 44,299,497; for Nova Scotia, 5,230,848; for New Brunswick, 4,144,762; for Manitoba, 5,981,301; for P.E.I., 606,638; for Saskatchewan, 3,335,167; for Alberta, 13,026,167; and for Newfoundland, 2,308,800.
- production subject to periodic export quotas (in live weight, kilograms), for Quebec, 2,736,771, Nova Scotia, 200,000; and for Alberta, 665,000.

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Contact: Canadian Chicken Marketing Agency, 377 Dalhousie Street, Ottawa, Ontario, K1N 9N8. Tel: 613-241-2800; Fax: 613-241-5999.

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