

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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Proposed Regulations for Pre-Publication in Part I, Canada Gazette	Statutory Authority & Regulatory Plan Listing
<p>Honeybee Importation Prohibition Regulations, 1997</p> <p>The proposed regulations would prohibit the import of honeybees into Canada or any Canadian port from the United States, except from the state of Hawaii, between the date of approval of the Regulations and December 31, 1999.</p> <p>The regulations would also repeal the <i>Honeybee Importation Prohibition Regulations, 1996</i>.</p> <p>Importation of honeybees from mainland United States has been prohibited since 1987, to control mites and to prevent the importation of Africanized honeybees. The current import prohibition ends.</p> <p>Earlier proposals to restrict imports of honeybees by way of permits, as is the practice with bees brought in from Hawaii, were rejected by bee keeper organizations; they preferred that the prohibition continue. However, some beekeepers and blueberry producers in Atlantic Canada have pushed for relaxation of the prohibition.</p> <p>Contact: Dr. W.J. McElheran, Animal Health Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-225-2342, ext. 4628; Fax: 613-228-6630.</p>	<p><i>Health of Animals Act</i>, section 14</p> <p>Not included in Regulatory Plan</p> <p>Published in Canada Gazette November 8, 1997</p>

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

Radiation Emitting Devices Regulations, amendment

The proposed amendments would replace the current standard for diagnostic X-ray equipment with a new standard that would be compatible with internationally-accepted standards and which would reflect the current state of X-ray equipment design and technology.

The changes would reduce the necessity for advanced X-ray equipment having to be modified to meet Canadian standards before being imported into Canada. Consequently, the changes should result in a reduction in the cost of imported X-ray equipment.

The amendments would change Item 12 of Schedule I and replace Part XII of Schedule II of the regulations.

Contact: Christian Lavoie, P. Eng., Head, Medical X-ray Unit, Address Locator 6301A, 775 Brookfield Road, Ottawa, Ontario, K1A 1C1. Tel: 613-954-0323; Fax: 941-1734.

Radiation Emitting Devices Act, subsection 13(1)

HWC/91-396-L

Published in Canada Gazette November 8, 1997

Regulatory Capital (Insurance Companies) Regulations, amendment

The proposed amendments would amend the basis on which property and casualty companies must determine the value of their assets as referred to in paragraph 3(1)(d) of the Regulations.

The previous basis, found in section 666 of the *Insurance Companies Act*, was deleted upon promulgation of Bill C-82.

The industry apparently supports the proposed changes.

Contact: Charles P. Johnston, Legislation Officer, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel: 613-990-7472; Fax: 613-998-6716.

Insurance Companies Act, subsection 2(1) and section 703

Not included in Regulatory Plan

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Firearms Registration Certificates Regulations; Importation and Exportation of Firearms Regulations (Individuals); Shooting Clubs and Shooting Ranges Regulations; Gun Shows Regulations; Special Authority to Possess Regulations (Firearms Act); Public Agents Firearms Regulations; Conditions of Transferring Firearms and Other Weapons Regulations, amendment; Storage, Display and Transportation of Firearms and Other Weapons by Businesses Regulations, amendment; Storage, Display and Transportation of Firearms and Other Weapons by Individuals Regulations, amendment; Firearms Fees Regulations, amendment

The proposed regulations were tabled in Parliament by the Justice Minister on October 30, 1997; they include both new proposed regulations and proposed changes to proposals tabled in Parliament in November, 1996.

The proposals include:

- under the *Firearms Registration Certificates Regulations*, the requirement to affix a firearm identification number sticker in a visible place on the firearm within 30 days of issuance of a firearms certificate and to engrave or stamp the identification number on the firearm within 90 days. Provision is made for placing the identification number in a less visible location on rare and valuable firearms.
- rules for customs officers for allowing non-residents to import and transport non-restricted weapons, for exportation of non-restricted firearms by licensed individuals, and for exportation of replica firearms

Firearms Act

Not included in Regulatory Plan

Tabled in Parliament October 30, 1997

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

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- the requirement that shooting clubs and shooting ranges, including long-gun ranges, meet new national standards for their safe operation. These were developed in consultation with provincial authorities and the police; they include the requirement for clubs to maintain information on each member of the club.
- the requirement that sponsors of, and exhibitors at, gun shows ensure that all firearms are stored, displayed and handled in a secured and supervised environment in accordance with safe storage regulations.
- an accommodation, under the *Special Authority to Possess Regulations*, for the special needs of the film, movie and theatre industry, as well as owners of prohibited firearms.
- rules for the manufacture, storage and transfer of replica firearms, as well as rules for possessing certain prohibited firearms
- special rules, under the *Public Agent Firearms Regulations*, for peace officers such as the police, and other public service agencies, including training, storage, firearm inventory, to use of agency identification numbers, importation, exportation, modification, loss and disposal of firearms.

The modifications to the 1996 set of regulations, pertaining to certain fees, the verification of firearms on transfer, and the use of Canada Post to mail non-restricted firearms in Canada, were made as a result of extensive consultations with affected parties.

After review by Parliament, the Firearms Act and regulations will be brought into effect on October 1, 1998.

Exempt from Pre-Publication and Approved

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Income Tax Regulations, amendment (Group Term Life Insurance Benefits) (SOR/97-494, OIC 1997-1623)

These amendments implement the changes announced by the Minister of Finance in the February 1994 budget with respect to the determination of the taxable benefit from group term life insurance; they also make a number of other related changes.

Subsection 6(4) of the Income Tax Act, which contained specific rules for determining the taxable benefit from group term life insurance, has been amended to provide that an employee's or former employee's taxable benefit is the amount prescribed by regulation. New Part XXVII of the *Income Tax Regulations* contains the rules for calculating this taxable benefit.

The rules in new Part XXVII differ from those that were contained in subsection 6(4) of the *Income Tax Act* in several respects:

- the taxable benefit is based on the full amount of coverage. Previously, there was an exemption for the initial \$25,000;
- specific rules have been introduced for paid-up life insurance. Under these rules, the premium paid for an individual's insurance is used to determine the individual's taxable benefit;
- new rules are provided for determining the average cost of insurance, which is used to determine the taxable benefit from insurance other than paid-up insurance;

Income Tax Act, section 221

FIN/95-31-M

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- a new option to permit, in certain circumstances, an individual's taxable benefit to be based on the actual premium paid in respect of the individual instead of the average cost of insurance for the year, starting in 1996.

The change to the taxation of life insurance benefits is expected to raise about \$200 million a year in additional tax revenue.

Contact: Andrew Nicholls, Tax Legislation Division, Department of Finance, L'Esplanade Laurier, 140 O'Connor Street, 17th Floor, East Tower, Ottawa, Ontario, K1A 0G5. Tel: 613-995-3586.

Government Annuities Regulations, amendment (SOR/97-495, OIC 1997-11624)

The amendments update the mortality tables are used in calculating government liabilities in respect of annuities.

In place of the Annuity Table for 1949, the regulations now use the 1983 mortality tables. This will compensate for the fact that recipients of annuities are living longer and, consequently, there are longer payment durations than provided in the original mortality tables.

Paragraph 3(4)(a) [now subsection 3(4)] has been revised to refer to more recent mortality tables and paragraph (b) has been repealed since the method of calculation described is no longer used. Subsection 4(4) is repealed as redundant, since the provisions in section 15 of the *Government Annuities Act* have been superseded by section 15 of the *Government Annuities Improvement Act*.

Among the housekeeping amendments also made is the replacement of the definition of "Commission" with "Department", reflecting the fact that there is no reference to the Commission in the regulations. "Annuity Table for 1983" has been defined.

The purpose of the Government Annuities Act was to assist Canadians to provide for their later years, by the purchase of Government annuities. In 1975, the Government Annuities Improvement Act increased the amount of annuities paid on existing contracts, but discontinued sales of annuities. Although the last annuity contract matures in 2035, payment could go on for as long as 50 years thereafter, depending upon the longevity of the last annuitant.

Contact: Michel Bedard, Chief Actuary, Insurance Branch, Human Resources Development Canada, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel: 819-997 8445; Fax: 819-953-8752.

Order Prohibiting Entry on Certain Lands in the Yukon Territory (1997, No. 10, Forty Mile, Fort Cudahy and Fort Constantine Historic Site, Y.T.) (SOR/97-496, OIC 1997-1632); Order Respecting the Withdrawal of Certain Lands in the Yukon Territory (Forty Mile, Fort Cudahy and Fort Constantine Historic Site, Y.T.) (SI/97-132, OIC 1997-1633)

These Orders protect as a historic resource the Forty Mile, Fort Cudahy and Fort Constantine Historic Site at Forty Mile, Yukon Territory, pursuant to the Tr'on dek Hwech'in (Dawson First Nation) Final Agreement.

This Prohibition of Entry on Certain Lands Order will provide protection against locating, prospecting or mining under the Yukon Placer Mining Act and the Yukon Quartz Mining Act as per the Agreement with the Tr'on dek Hwech'in First Nation

The Orders come into effect November 6, 1997 and will end on October 1, 2002.

Government Annuities Act, section 13; *Government Annuities Improvement Act*, paragraph 17(d)

Not included in Regulatory Plan

To be published in Canada Gazette November 26, 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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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.

Pre-Published and Approved With comments or changes

Statutory Authority
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Order Adding a Substance to the List of Toxic Substances in Schedule I to the Canadian Environmental Protection Act (SOR/97-492, OIC 1997-1620); Benzene in Gasoline Regulations, 1997 (SOR/97-493, OIC 1997-1621)

Canadian Environmental Protection Act, sections 34 and 87 and subsection 33(1)

The Order adds Benzene to the List of Toxic Substances in Schedule I to the Canadian Environmental Protection Act, effective November 6, 1997. Benzene has been found to cause cancer in laboratory animals and in humans, and is considered to be a "non-threshold toxicant"; i.e., a substance for which there is some chance of adverse effects at any level of exposure.

EC/96-9-M

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In parallel, the regulations introduce a freeze on the Benzene Emissions Number (BEN) and caps on the levels of benzene in gasoline, in order to reduce releases of benzene, a known human carcinogen, from gasoline-powered vehicles by improving the environmental performance of Canadian gasoline.

More specifically, the proposed regulations would limit benzene in gasoline to 1% by volume with the option for primary suppliers to meet a 0.95% by volume yearly pool average with a never-to-be-exceeded cap of 1.5% by volume.

The Regulations prohibit "primary suppliers" from supplying gasoline with benzene levels or a Benzene Emissions Number exceeding the limits set out in the Regulations. The compliance date for benzene and the benzene emissions number is July 1, 1999 -- somewhat delayed as a result of industry concerns that it needed almost two years to plan and implement changes to facilities for the benzene restrictions.

"Primary suppliers" are defined as producers, importers or blenders of gasoline in Canada. Primary suppliers may elect to either meet the limits for each batch of gasoline or to opt for a lower yearly pool average for either benzene or BEN.

Primary suppliers that elect to meet the compositional requirements of the Regulations on the basis of a yearly pool average are subject to more extensive administrative requirements. These additional requirements include providing the Minister with a compliance plan, more detailed records on the composition of the gasoline supplied, and engaging an independent person to audit records and procedures. These features are required in order to enforce the yearly pool average.

The Regulations do not apply to gasoline supplied for export, in transit through Canada, or for use in aircraft, scientific research or a sanctioned competitive event. Furthermore, reformulated gasoline produced in the United States under EPA or California regulations can be imported into Canada without further processing or testing. Oxygenates or butane can be added to gasoline that meets the compositional requirements of the regulation without further testing. (The addition of oxygenates and butane tends to reduce emissions of benzene by dilution.)

Pre-Published and Approved With comments or changes

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The Regulations require all primary suppliers to submit the information outlined in schedule 11 (Registration Form) to the Minister of the Environment by November 1, 1998. Every primary supplier is required to submit to the Minister the information set out in schedule 111 (Report Form) for each calendar quarter during which gasoline is supplied. In 2003 and thereafter, primary suppliers are required to submit this report only once per year. Finally, the Regulations prohibit the sale or the offer of sale of gasoline that contains benzene at concentrations exceeding one percent by volume. The compliance date in this regard is October 1, 1999.

The compliance date for sale is three months after the compliance date for supply to allow pre-regulation gasoline to make its way through the distribution system. Due to the special gasoline turnover circumstances in remote northerly locations, the final regulations were changed to allow a longer turnover period in the north (12 months in remote northern sites).

Most sections of the regulations come into effect July 1, 1999.

Contacts: Ross White, Oil, Gas and Energy Division, Air Pollution Prevention Directorate, Environment Canada, Hull, Quebec, K1A 0H3. Tel: 819-953-1120; Fax: 819-953-8903. Arthur Sheffield, Regulatory and Economic Assessment Branch, Regulatory Affairs and Program, Integration Directorate, Environment Canada, Hull, Quebec, K1A 0H3. Tel: 819-953-1172.

Ministerial Orders Approved

Statutory Authority
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Public Service Superannuation Regulations, amendment (SOR/97-490)

The amendments limit the minimum benefits payable under federal pension plans to the maximum allowable in the *Income Tax Regulations*; limit the benefit on elective non-contributory service prior to 1990; provide that capitalized values are calculated using mortality and interest rate assumptions in line with generally-accepted actuarial principles; and allow for the revocation of an election for prior service of the service subsequently becomes pensionable service under another pension plan.

The amendments also include some technical amendments fixing language discrepancies and dealing with concerns raised by the Standing Joint Committee for the Scrutiny of Regulations.

The amendments come into force November 3, 1997.

Contacts: Joan M. Arnold, Pensions Legislation Development Group, Pensions Division, Treasury Board Secretariat, Ottawa, Ontario, K1A 0R5. Tel: 613-952-3119.

Public Service Superannuation Act, paragraphs 42(1)(d), (l) and (r) and 42.1(1), (j), and (k) and section 71; Financial Administration Act, paragraph 7(2)(a)

Not included in Regulatory Plan

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Ministerial Orders Approved

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NAV CANADA Divestiture Regulations, amendment (SOR/97-491)

The amendments provide employees of the Civil Air Navigation Services of Transport Canada who transferred to NAV CANADA with a 30-day opportunity for eligible individuals to exercise their right to obtain Supplementary Death Benefit coverage at commercial rates.

The new 30-day election period starts November 5, 1997.

To be eligible, employees must have been a position where subsection 5(2) of the Act would have applied to them on November 1, 1996 and they must have not made an application pursuant to paragraph 51(2)(b) of the Act.

The amendments come into force November 5, 1997.

Contacts: Joan M. Arnold, Pensions Legislation Development Group, Pensions Division, Treasury Board Secretariat, Ottawa, Ontario, K1A 0R5. Tel: 613-952-3119.

Public Service Superannuation Act, paragraph 42(1)(u); Financial Administration Act, paragraph 7(2)(a)

Not included in Regulatory Plan

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