

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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<p>Atlantic Pilotage Tariff Regulations, 1996, amendment</p> <p>The proposed amendment would delete the Port of Clarenville in Newfoundland from the list of compulsory pilotage areas and be made a non-compulsory pilotage area.</p> <p>More specifically, item 4 of both Schedule II and Schedule IV would be repealed.</p> <p>At the same time, two other ports – Belledune, New Brunswick and Argentinia, Newfoundland – would not be added to the list of compulsory pilotage areas, as was originally proposed on November 9, 1996, for the time being. This decision follows extensive consultations concerning the earlier proposal.</p> <p>The Port of Clarenville becomes subject to the <i>Atlantic Pilotage Tariff Regulations – Newfoundland and Labrador Non-Compulsory Areas</i>.</p> <p>The proposed regulations will come into effect on the day they are approved by the federal cabinet.</p> <p>Contact: Captain R.A. McGuinness, Chairman, Atlantic Pilotage Authority, Purdy’s Wharf, Tower 1, 1959 Upper Water Street, Suite 1402, Halifax, Nova Scotia, B3J 3N2. Tel: 902-426-2553; Fax: 902-426-4004.</p>	<p><i>Pilotage Act</i>, section 33</p> <p>TC/97-5-L</p> <p>Published in Canada Gazette November 15, 1997</p>
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Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Privileges and Immunities of the Secretariat of the Convention on Biological Diversity Order (SOR/97-501, OIC 1997-1665)

The Order grants the Secretariat of the Convention on Biological Diversity, to the extent required for the exercise of its duties in Canada, the privileges and immunities contained in Articles II and III of the Convention on Privileges and Immunities of the United Nations.

The Order also grants to the representatives of foreign States that are Parties to the Convention on Biological Diversity, official of the Secretariat, and experts performing missions for the Secretariat, to the extent required for the exercising of their functions, the privileges and immunities contained in Articles IV, V and VI of the Convention.

Consequently, the Secretariat is granted immunity from legal process and the inviolability of its premises, documents and archives. Its assets, income and other property are also exempt from direct taxes and customs duties. Publications of the Secretariat are exempt from prohibition and restrictions on their import, export and sale. Also, representatives of foreign states that are Parties to the Convention on Biological Diversity and certain officials of the Secretariat are granted privileges and immunities such as immunity from personal arrest or detention, exemption from immigration restrictions and immunities in respect of personal baggage. Certain officials of the Secretariat who are not Canadian citizens or permanent residents of Canada, and the members of their families forming part of their households, also enjoy some privileges and immunities comparable to the privileges and immunities accorded to diplomatic agents, and members of their families forming part of their households.

Contact: Alan H. Kessel Director United Nations, Criminal and Treaty Law Division Department of Foreign Affairs and International Trade, 125 Sussex Drive, Ottawa, Ontario K1A 0G2. Tel: 613-992-6296; Fax: 613-944-0870.

Regulations Amending Certain Department of Finance and Office of the Superintendent of Financial Institutions Regulations (Miscellaneous program) 1997-2 (SOR/97-502, OIC 1997-1667)

The amendments correct a substantive problem in the *Prospectus Exemption's Regulations* identified by the Standing Joint Committee for the Scrutiny of Regulations (SJC). The SJC has requested that the amendments be made given their view that the reference to paragraph 3(f) in section 4 of the Regulations goes beyond the relevant enabling authorities. The SJC believes that the reference in section 4 qualifies paragraph 3(f) since it requires institutions to provide the Superintendent with information relating to an exempted class of distribution of securities (i.e., provincial short form prospectus).

Given the fact that financial institutions have a vested interest in obtaining OSFI's capital determination prior to issuing their securities, it is anticipated that financial institutions will continue to provide the Superintendent with their provincial short form prospectus notwithstanding the amendment to the Prospectus Exemptions Regulations.

These amendments will require some minor adjustments in the OSFI's practices and procedures relating to the receipt of provincial short forth prospectuses.

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.

The Foreign Missions and International Organizations Act, S.C. 1991, c.41

FAIT/97/R-5-L

To be published in Canada Gazette December 10, 1997

Bank Act, Cooperative Credit Associations Act, Insurance Companies Act, Trust and Loan Companies Act

Not included in Regulatory Plan

To be published in Canada Gazette December 10, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Les Collections Shan Remission Order, 1997 (SOR/97-503, OIC 1997-1668)

This Order remits the customs duties on certain annual quantities of fabrics imported by Les Collections Shan Inc. for use in the manufacture of women's swim-suits, co-ordinated beachwear or co-ordinated accessories with the Shan label.

The company-specific relief in this instance was recommended by the Canadian International Trade Tribunal under the textile tariff reference (Request Nos. TR-96-008 to TR-96-013, dated July 22, 1997).

The CITT, which reviewed the request for relief by Shan, concluded that remission would have little or no commercial cost on either domestic textile producers or swimwear manufacturers so long as there are quantitative limits set on the imported fabrics. The cost of the revenues foregone are estimated by the Tribunal to be about \$100,000 annually.

Contact: Osborne Todd, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-996-6479; e-mail: Todd.Osborne@fin.ac.ca.

Income Tax Regulations, amendment (Labour-sponsored venture capital corporations (Nova Scotia)) (SOR/97-504 OIC 1997-1669)

The Regulations amend sections 6700 and 6701 to expand the lists of "prescribed venture capital corporations" and "prescribed labour-sponsored venture capital corporations" to include a corporation that is a registered labour-sponsored venture-capital corporation pursuant to the Equity Tax Credit Act, Statutes of Nova Scotia 1993, c.3.

Individuals who acquire shares issued by a "prescribed labour-sponsored venture capital corporation" are generally entitled to a federal income tax credit under section 127.4 of the Income Tax Act. In addition, provincial tax assistance provided for the purchase of shares issued by a "prescribed venture capital corporation" does not result in a reduction in the adjusted cost base for federal income tax purposes of any share acquired.

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

Income Tax Regulations, amendment (Part LIX) (SOR/97-505, OIC 1997-1670)

These amendments to the Regulations, along with the amendments made to the Income Tax Act by S.C. 1995, c. 21 (Bill C-70), implement the February 22, 1994 budget proposals respecting the foreign affiliate rules.

The amendments affect the determination of the active business income of a foreign affiliate which may give rise to exempt surplus from which dividends may be received tax-free in Canada.

These amendments also eliminate the deduction of active business losses in computing the foreign accrual property income of a foreign affiliate and limit the jurisdictions in which a foreign affiliate may be eligible to earn exempt surplus.

The amendments rearrange the definitions in subsection 5907(1) of the Regulations so that they appear in alphabetical order in both the French and English versions of the Regulations.

Subsection 5907(13) of the Regulations is amended consequential to the replacement of subsection 48(5) of the Act with paragraph 128.1(1)(d) of the Act by sections 19 and 62 of S.C. 1994, c. 21.

Customs Tariff, section 101

FIN/97-13

To be published in Canada Gazette December 10, 1997

Income Tax Act, section 221

FIN/96-32-M

To be published in Canada Gazette December 10, 1997

Income Tax Act, section 221

FIN/95-31-M

To be published in Canada Gazette November 26, 1997

Exempt from Pre-Publication and Approved

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Amended subsection 5907(13) does not include the provisions of the former version that stipulated deemed dispositions of a foreign affiliate's excluded property and certain capital property since these deemed dispositions are now contained in paragraph 128.1(1)(b) of the Act.

Finally, the amendments make reference changes to the Act necessitated by the 1985 statute revision.

Part LIX of the Income Tax Regulations, among other things, sets out rules respecting the computation of the exempt surplus, taxable surplus and underlying foreign tax of a foreign affiliate in respect of a corporation resident in Canada. These surplus balances are important in determining a Canadian corporation's liability for income tax resulting from the payment of a dividend by a foreign affiliate or, in certain circumstances, from the realization of a capital gain on the disposition of a share of a foreign affiliate. Part LIX also sets out the calculation of a foreign affiliate's deductible loss for a taxation year. This is an important amount in determining the foreign affiliate's foreign accrual property income for the year.

Contact: Patrick Marley, Tax Legislation Division, Department of Finance, L'Esplanade Laurier, 140 O'Connor Street, 17th Floor, East Tower, Ottawa, Ontario, K1A 0G5. Tel: 613-996-5155; Fax: 613-992-4450.

U.S. Barley and Barley Products Remission Order (SOR/97-506, OIC 1997-1671)

This Order implements Canada's recent announcement that it would suspend the application of its tariff rate quotas (TRQs) on imports of U.S. barley and barley products. The Order remits the difference between the within-quota rates of duty and the over-quota rates of duty.

More specifically, the Order suspends the TRQ for barley immediately on its passage, but delays the suspension for barley products until January 1, 1998.

Should any subsequent U.S. action distort the market, Canada could at any time reinstate the TRQs.

Imports of barley and barley products into Canada are subject to tariff rate quotas (TRQs), which provides for the importation of up to a certain quantity of the products at a low tariff rate, and provides for a higher tariff rate for imports in excess of that quantity. The TRQs were introduced for barley and barley products in August, 1995 consistent with the World Trade Organization (WTO) Agreement on Agriculture. Under the North American Free Trade Agreement (NAFTA), Canada has the right to maintain this TRQ on imports of U.S. barley and barley products until such time as the U.S. domestic subsidies for barley production fall to the Canadian levels. Since the inception of the TRQ, imports have not reached the quantitative threshold that would trigger the higher tariff rate.

Consultations were conducted with the domestic barley industry, which does not oppose the suspension of the TRQ. Canada's maltsters requested that the suspension of the tariff rate quotas on U.S. barley products be delayed until January 1, 1998, to allow them to clear existing contracts. The Order therefore suspends the TRQ for barley immediately on its passage, but delays the suspension for barley products until January 1, 1998.

Contact: Paul Robichaud, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-2510.

Customs Tariff, section
101

FIN/97-13

To be published in Can-
ada Gazette December
10, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Food and Drug Regulations, amendment (Schedule No. 1071) (SOR/97-508, OIC 1997-1673)

This amendment permits the use of pectinase and cellulase from *Trichoderma reesei* on tea leaves for the production of tea solids, and at levels consistent with good manufacturing practice.

Provision already exists in the Food and Drug Regulations to permit these enzymes in a variety of food products at levels commensurate with “good manufacturing practices”. The use of these enzymes on tea leaves will increase the production of tea solids which will be used in the production of iced tea products.

Contact: Director, Bureau of Food Regulatory, International & 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)

HCan/R-33-I

To be published in Canada Gazette December 10, 1997

Food and Drug Regulations, amendment (Schedule No. 1073) (SOR/97-509, OIC 1997-1674)

This amendment permits the addition of silicon dioxide to edible vegetable oil-based cookware coating emulsions at a maximum level of use of two per cent (2.0%) of the product.

Provision currently exists in Table I, Division 16 of the Food and Drug Regulations for the use of silicon dioxide as an anticaking agent, in a variety of foods.

Evaluation of available data supports the effectiveness and safety of this use for silicon dioxide.

Contact: Director, Bureau of Food Regulatory, International & 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)

HCan/R-33-I

To be published in Canada Gazette December 10, 1997

Food and Drug Regulations, amendment (Schedule No. 1081) (SOR/97-510, OIC 1997-1675)

The amendments prohibit both the sale of clenbuterol for administration to food producing animals and residues of this drug in food.

Clenbuterol, an extremely potent beta-agonist with preferential affinity for the beta2 - adrenoceptor of bronchial and uterine smooth muscle, is permitted for use in Canada only as a bronchodilator in horses that are not to be slaughtered for food. This veterinary drug can also function as a growth promotant in veal calves.

Health Canada has concluded that residues of clenbuterol, which has been administered to food producing animals, could pose a health risk to consumers.

Alternative.

Consultation with the manufacturer of clenbuterol intended for horses has taken place. The manufacturer has objected to the proposed banning of clenbuterol for administration to food producing animals on the grounds that there is no risk to consumers when adequate withdrawal times are followed.

Clenbuterol has been shown to be a useful drug for obstetrical indications in heifers when carried out under direct veterinary supervision. Health Canada concurs with the manufacturer that there would be no risk to consumers following the administration of clenbuterol to food producing animals, when adequate withdrawal periods are properly observed. However, if established withdrawal periods are not properly observed, risks to consumers are considered too serious to permit the use of clenbuterol in food producing animals.

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

HCan/R-33-I

To be published in Canada Gazette December 10, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

The national beef, veal and pork producer association, and the federal and provincial Departments of Agriculture support the ban on the use of clenbuterol and have requested that regulations to this effect be promulgated as soon as possible.

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

Food and Drug Regulations, amendment (Schedule No. 1070) (SOR/97-513, OIC 1997-1678)

This amendment permits the use of glucanase from *Humicola insolens* in brewers' meal and distillers' mash in the preparation of alcoholic beverages, and at levels consistent with "good manufacturing practice".

This enzyme, when used during the mashing process, reduces viscosity, thus improving filtration performance and increasing yield. The enzyme also offers better thermal stability than other glucanase enzymes and as a result will remain effective longer before being inactivated during the heating stage.

Provision already exists in the *Food and Drug Regulations* for the use of glucanase from *Aspergillus niger* and *Bacillus subtilis* in brewers' mash and distillers' mash. However, at present there is no provision for glucanase from *Humicola insolens*. The use of glucanase from this source has been evaluated for safety and efficacy and is considered acceptable.

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

Narcotic Control Regulations, amendment; Regulations Exempting Certain Precursors and Controlled Substances from the Application of the Controlled Drugs and Substances Act, amendment; Food and Drug Regulations, amendment (Schedule No. 1011) (SOR/97-514, OIC 1997-1679)

The amendments make a number of adjustments to the Regulations in connection with the coming into force of the Controlled Drugs and Substances Act on May 14, 1997, including making it an offence to possess five drugs: amphetamine (a-methylbenzeneethanamine), methamphetamine, Benzphetamine, Methylphenidate, and Methaqualone.

More specifically, the changes would:

- correct an inadvertent oversight that was made with the coming into force of the Regulations Exempting Certain Precursors and Controlled Substances from the Application of the Controlled Drugs and Substances Act (CDSA) SOR/97-229. Section 2 of these regulations currently exempts five drugs listed in Schedule II of these regulations from Section 4 of the CDSA. Section 4 consists of 2 subsections. The regulatory amendment should have read subsection 4(1). By inadvertently exempting these drugs from all of section 4, a double doctoring provision which had existed under the *Food and Drugs Act* was revoked. To maintain the status quo, these drugs should not have been exempted from the whole of section 4 of the *Controlled Drugs and Substances Act*.
- update subparagraph C.01.004(1)(b)(ii). Agricultural implants that contain a drug listed on Part III of the schedule to Part G of the Food and Drug Regulations are exempt from the CDSA and from Part G of the Food and Drug Regulations. The Bureau of Veterinary Drugs does not require that these agricultural implants carry the symbol "<c>" on their label which is the requirement for all other controlled drugs. This housekeeping amendment reflects this position.

Food and Drugs Act, subsection 30(1)

HCan/R-33-I

To be published in Canada Gazette December 10, 1997

Controlled Drugs and Substances Act c. 19, 1996, paragraph 55(1)(z); Food and Drugs Act, subsection 30(1)

HCan/96-6-I

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Exempt from Pre-Publication and Approved

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- institute a simple possession offence for five drugs: amphetamine (a-methylbenzeneethanamine), methamphetamine, Benzphetamine, Methylphenidate, and Methaqualone. This simple possession offence is provided for under the CDSA but was exempted under the Regulations Exempting Certain Precursors and Controlled Substances from the Application of the Controlled Drugs and Substances Act (CDSA) SOR/97-229. The exemption was made to maintain a status quo with the Food and Drugs Act which carried no offence provision for simple possession for these drugs. Prior to the coming into force of the CDSA, these drugs were listed on Schedule G to the Food and Drugs Act and no offence existed for their possession. These drugs are now listed in Schedule III of the CDSA and carry a possession offence.
- revoke Section 3 of the Regulations Exempting Certain Precursors and Controlled Substances from the Application of the Controlled Drugs and Substances Act (CDSA) SOR/97-229 which will reinstate the status quo with respect to possess a substance included in Schedules I - VI for the purpose of exporting except as authorized by the regulations. Under the Food and Drugs Act possession of a controlled drug for the purpose of trafficking (which included exporting) was an offence. The definition of trafficking has been altered under the CDSA and does not reference exporting. Possession for the purpose of exporting is now covered under subsection 6(2) of the CDSA. Therefore the substances set out in the schedule to Part G of the Food and Drug Regulations need not have been exempted from the application of subsection 6(2) of the Controlled Drugs and Substances Act because the illegal possession for the purpose of exporting was already covered under the definition of "trafficking" in the Food and Drugs Act.

Contact: Joan Korol, Policy Division, Bureau of Policy and Coordination, Therapeutic Products Directorate, Health Protection Building Address Locator 0702B1, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel: 613-957-0372; Fax: 613-941-6458; e-mail: joan_korol@inet.hwc.ca.

Income Tax Regulations, amendment (SOR/97-517, OIC 1997-1688)

As a result of legislative changes under which family benefits are paid in the province of Quebec, this amendment repeals the name of the old Act under which the payments were made, and replaces it with a reference to the *Act Respecting Family Benefits* and the *Act Respecting Income Security* of the province of Quebec.

Paragraph 122.64(2) (a) of the *Income Tax Act* permits income tax information obtained under the Child Tax Benefit provisions of the Act by Revenue Canada to be shared with provincial governments for the purposes of administering a provincial law described in these Regulations. These provincial laws concern a provincial social policy program.

Without this amendment, the Quebec government would be unable to administer the *Act Respecting Family Benefits* and the *Act Respecting Income Security* in an efficient manner.

Contact: Richard Montroy, Legislative Policy Division, 875 Heron Road, Ottawa, Ontario, K1A 0L5. Tel: 613-952-6479.

Income Tax Act, section 221

RC-15-L

To be published in Canada Gazette December 10, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Retirement Compensation Arrangements Regulations, No.1, amendment (SOR/97-520, OIC 1997-1704)

The amendments to the Regulations complement the provisions of the *Public Service Superannuation Regulations* that provide for tax limits on waivers, survivors' benefits and minimum benefits in the Public Service Superannuation Regulations.

The *Retirement Compensation Arrangements Regulations No. 1* was established in 1994 to provide for benefits no longer authorized under registered pension plans.

Amendments in 1990 to the *Income Tax Act* and Regulations incorporated a new scheme for the tax treatment of retirement savings. Among the changes made to ensure fairness across a variety of plan designs and among plan members of differing income levels, limitations was placed on the benefits which could be provided on a tax sheltered basis under a registered pension plan. The public service pension reform legislation, enacted in 1992, introduced a number of provisions, including the *Special Retirement Arrangements Act* to allow the various federal public sector pension plans to adapt to this new scheme.

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

Special Retirement Arrangements Act

TBS-3

To be published in Canada Gazette December 10, 1997

Pre-Published and Approved No comments or changes

Statutory Authority & Regulatory Plan Listing

Hazardous Products (Ice Hockey Helmets) Regulations (SOR/97-521, OIC 1997-1711)

The Regulations mandate the requirements of the Canadian Standards Association (CSA) ice hockey helmet standard as amended in June 1984 and subsequently modified and published in 1990 as CAN/CSA-Z262.1-M90, Ice Hockey Helmets.

The 1990 standard makes the following relative to the 1984 standard:

- a helmeted headform is dropped onto an anvil versus dropping a weight onto the helmeted headform.
- the impact failure criterion is measured in units of acceleration, i.e., 275 g.
- helmet impacts are measured in terms of energy, i.e., 40 joules.
- the ear opening is reduced from 50 mm to 38 mm.

The proposed amendments were prepublished in the Canada Gazette, Part I, on March 1, 1997. No comments were received by Health Canada.

Contact: H el ene Paradis, Product Safety Bureau, Health Protection Branch, Health Canada, Statistics Canada Main Building, Wing 1000, Address Locator 0301B2, Tunney's Pasture, Ottawa, Ontario, K1A 0K9. Tel: 613-954-3967; Fax: 613-952-1994.

Hazardous Products Act,
S.C. 1987, c. 30, s. 1.

HCan/97-19-F

To be published in Canada Gazette December 10, 1997

Food and Drug Regulations, amendment (Schedule No. 1036) (SOR/97-522, OIC 1997-1712)

This amendment establishes Maximum Residue Limits (MRLs) for the systemic fungicide fosetyl-aluminum in avocados at 10.0 parts per million (ppm) and in apples at 1.0 ppm. This amendments was published in the Canada Gazette Part I on March 15, 1997. No responses were received.

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

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

HCan/R-33-I

To be published in Canada Gazette December 10, 1997

Pre-Published and Approved No comments or changes

Statutory Authority & Regulatory Plan Listing

Food and Drug Regulations, amendment (Schedule No. 1040) (SOR/97-523, OIC 1997-1713)

This amendment establishes Maximum Residue Limits (MRLs) for cyhalothrin-lambda in head lettuce at 2.0 parts per million (ppm), in milk at 1.0 ppm, in broccoli and cabbage at 0.4 ppm, in sunflower oil at 0.3 ppm and in sunflower seeds, the meat of cattle, goats, hogs, horses and sheep at 0.2 ppm. Any residues of cyhalothrin-lambda in other foods will be covered by the general limit of 0.1 ppm specified in subsection B.15.002(1) of the *Food and Drug Regulations*.

This schedule of amendments was published in the Canada Gazette Part I on April 19, 1997. No responses were received.

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

Food and Drugs Act, subsection 30(1)

HCan/R-33-I

To be published in Canada Gazette December 10, 1997

Food and Drug Regulations, amendment (Schedule No. 1049) (SOR/97-524, OIC 1997-1714)

This amendment establishes Maximum Residue Limits (MRLs) for the fungicide propamocarb in potatoes at 0.5 ppm, for use against late blight in potatoes.

This schedule of amendments was published in the Canada Gazette Part I on March 22, 1997. No responses were received.

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

Food and Drugs Act, subsection 30(1)

HCan/R-33-I

To be published in Canada Gazette December 10, 1997

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

Food and Drug Regulations, amendment (Schedule No. 1065)(SOR/97-507, OIC 1997-1672)

The amendments establish Maximum Residue Limits (MRLs) for procymidone in raisins at 25.0 ppm, in grapes at 5.0 ppm and in wine at 1.0 ppm.

Procymidone is a systemic fungicide used in the control of the grape disease *Botrytis cinerea*. It is not currently registered under the Pest Control Products Act for use in Canada since *Botrytis cinerea* is not a problem in North American grape growing regions.

The proposed amendments were published in the Canada Gazette Part I on April 19, 1997. One response in support of this amendment was received.

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

Food and Drugs Act, subsection 30(1)

HCan/R-33-I

To be published in Canada Gazette December 10, 1997

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

Radiation Emitting Devices Regulations (Analytical X-ray equipment), amendment (SOR/97-511, OIC 1997-1676)

This amendment broadens the present regulatory requirements for X-ray diffraction equipment to include other radiation-emitting devices which also pose X-ray radiation hazards, such as X-ray spectrometers and other analytical X-ray equipment.

The amendment also reflects improvements in technology and revised radiation protection guidelines.

More specifically, the amendments incorporate reduced radiation emission limits, new definitions, simpler safety requirements, and, slightly modified labelling information.

The reduced radiation emission limits are in conformity with the International Commission on Radiological Protection (ICRP Publication-60) ALARA (as low as reasonably achievable) principles for risk reduction to workers and the public. Most of the new definitions reflect radiation terminology consistent with those of the International Electrotechnical Commission (IEC) Publication 788 in order to improve comprehension of the Regulations by manufacturers, regulators and users.

The amendment will require labelling changes and may require minor design changes to some equipment. Only minimal additional cost will be imposed on the manufacturer as a result of these changes.

The proposals were prepublished in the Canada Gazette Part I on September 21, 1996. Only one respondent provided comments. Modifications were proposed and agreed to by the Department. The regulation has been modified accordingly.

Contact: Chief, Office for Quality and Regulations Management, Environmental Health Directorate, Environmental Health Centre, Address Locator: 0801C1, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel:613-957-3142; Fax: 613-954-2486.

Food and Drug Regulations, amendment (Schedule No. 1004) (SOR/97-512, OIC 1997-1677)

These amendments provide for the use of Hydrogenated starch hydrolysates (HSHs) as food additives on the same basis as polyols.

Hydrogenated starch hydrolysates (HSHs) are a mixture of hydrogenated mono-, di-, oligo and polysaccharides derived from partially hydrolyzed starch and in which D-sorbitol and D-maltitol are each present at a level of less than 50% on an anhydrous basis.

The components of HSHs are similar to polyols which are food additives presently listed in the *Food and Drug Regulations*. Polyols are used as sweeteners and bodying and texturizing agents in foods and their limited absorption and metabolism are important factors in their use in dietetic foods.

The previous Regulations allowed a number of polyols to be used in unstandardized foods at levels commensurate with "good manufacturing practices" (e.g., iso-malt, lactitol, maltitol, maltitol syrup, mannitol, polydextrose, sorbitol and xylitol) but did not permit the use of HSHs.

The amendments also update the reference to Food Chemicals Codes, Fourth Edition, 1996 from Third Edition, 1981. In the new edition, there is a specification for sorbitol syrup. In keeping with the recognition of maltitol syrup as a separate entity in the current Regulations, a listing for sorbitol syrup is also being established for use in the same foods and at the same levels of use in unstandardized foods.

Radiation Emitting Devices Act, ss. 13(1), c.1370

HCan/95-44-I

To be published in Canada Gazette December 10, 1997

Food and Drugs Act, subsection 30(1)

HCan/R-33-I

To be published in Canada Gazette December 10, 1997

Pre-Published and Approved With comments or changes

Statutory Authority
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Regulatory Plan Listing

Scientists of the Health Protection Branch have concluded that the addition of HSHs and sorbitol syrup to foods is both safe and efficacious for the intended purposes. These amendments also reference new specifications established for isomalt by the Joint FAD/WHO Expert Committee on Food Additives.

Polyols are digested slowly in the gastro-intestinal tract, and consequently there is a potential for these substances to cause laxation in a small segment of the population. In this regard, it is recognized that the laxative effects are linked to the amount consumed and, furthermore, that the risk of such effects is generally related to the consumption of more than one product containing polyols. As a result of the need for consumers to be aware of these potential effects, this amendment provides for a label declaration of HSHs and sorbitol syrup expressed in grams per serving of stated size, grouped with the same information on other polyols present in the product.

This amendment will provide consumers and industry with an alternative to currently available sweeteners. Consumers will also have a greater selection of foods sweetened with HSHs alone or in combination with other sweeteners, as well as food sweetened with traditional sweeteners such as sugar.

This schedule of amendments was prepublished in the Canada Gazette Part I on December 14, 1996. Two responses in support of this amendment were received. Contact: Chief, Office for Quality and Regulations Management, Environmental Health Directorate, Environmental Health Centre, Address Locator: 0801C1, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel:613-957-3142; Fax: 613-954-2486.

Food and Drug Regulations, amendment (Schedule No. 1015) (SOR/97-516, OIC 1997-1681)

This amendment will provide for the use of allura red and sunset yellow FCF as food colouring agents at maximum levels of 80 parts per million (ppm) and 20 ppm, respectively, in longaniza sausage.

Provision currently exists in the Food and Drug Regulations for the use of allura red and sunset yellow FCF in a wide variety of foods. However, there is no provision for the use of these colouring agents in fresh sausage or other meat products.

In 1992, an amendment to the Regulations provided for the use of annatto as a food colouring agent in longaniza sausage as well as a marinated and cured sliced pork product.

The proposed amendments were published in the Canada Gazette Part I on January 18, 1997. One response in support of this amendment was received.

The European Commission commented that the European Union does not generally permit the use of colours in raw meat, fresh meat and meat products. Information was provided on exceptions which include the permitted addition of allura red to luncheon meat, breakfast sausage and burger meat and the permitted addition of sunset yellow to sobrasada, a type of sausage.

This amendment to permit the addition of allura red and sunset yellow FCF to longaniza sausage applies only to products sold in Canada. Canadian producers of longaniza sausage wishing to export this product to member countries of the European Union will be required to reformulate to meet the regulatory requirements of these jurisdictions.

Contact: Director, Bureau of Food Regulatory, International & 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)

HCan/R-33-I

To be published in Canada Gazette December 10, 1997

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

Canadian Aviation Regulations (Part III), amendment (SOR/97-518, OIC-1997-1701)

Aeronautics Act, S.C.
1992, c.4

The amendment introduces regulations covering aircraft fire-fighting services at airports and aerodromes. The changes are needed now that Transport Canada has devolved operational control over most airports and aerodromes.

TC/96-6-I

Part III Subpart 303 of the *Canadian Aviation Regulations* (Aircraft Fire Fighting at Airports and Aerodromes) specifies, in its attached schedule, the 28 airports which must provide on site aircraft fire-fighting services and the level of protection which must be provided by the airport operator.

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Since the prepublication of the proposals on April 19, 1997, one airport has been dropped from the schedule (Edmonton Municipal Airport, which will handle cargo flights) and one has been added (Gander International).

The regulation also sets out the basic requirements with respect to the training, testing and resources in order to provide an effective capability for dealing with aircraft emergencies.

Part III, Subpart 303 is made up of 5 divisions as follows: Division I - General; Division II - Extinguishing Agents and Aircraft Fire-fighting Vehicles; Division III - Personnel Requirements; Division IV - Response Readiness; and Division V - Communication and Alerting System.

Aircraft fire-fighting services are currently available on site for 18 airports in addition to those on the Schedule for Subpart 303. Subpart 303 allows for the operators of these airports, or of any additional airports or aerodromes, to choose to identify their airports or aerodromes as "participating" by publishing in the Canada Flight Supplement the availability of a specified category of fire-fighting service. If such an option is chosen the airport or aerodrome becomes subject to CARs Subpart 303 as it applies to participating airports or aerodromes.

The regulation will ensure that the largest and busiest Canadian airports will continue to provide fire-fighting services that meet the current Transport Canada standard. Requirements are also established which must be met by operators of airports or aerodromes not designated among the 28, but who choose to specify in the Canada Flight Supplement that a fire-fighting service is provided at their airport or aerodrome.

When current cost data for typical airports are used, the cost of providing aircraft firefighting services at the 28 scheduled airports is approximately \$32,686,202.

Transitional Provisions, requires the operator of a designated airport maintain the aircraft fire-fighting service as provided on November 30, 1997 until November 30, 1998 and, effective December 1, 1998, to meet the requirements in these regulations. The operator of a participating airport or aerodrome must meet the requirements for an aircraft fire-fighting service, for the critical category for fire fighting as published in the Canada Flight Supplement, with respect to hours of operation, extinguishing agents and firefighting vehicle requirements, personnel requirements and response readiness, effective December 1, 1998. The earlier draft Transitional Provisions had allowed until June 1, 1998 for the adjustments necessary for airport or aerodrome operators to meet the requirements that will apply to their airport or aerodrome under CAR 303.

Contact: Chief, Regulatory Affairs, Civil Aviation (AARBH), Transport Canada Safety and Security, Place de Ville, Tower "C", Ottawa, Ontario K1A 0N8; Telephone: 613-993-7284 or 1-800-305-2059; Fax: 613-990-1198.

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

Railway Interswitching Regulations, amendment (SOR/97-519, OIC-1997-1702)

The Regulations establish four interswitching distance related zones within the 30 km radius and prescribe rates for interswitching traffic to or from each zone. Lower rates per car are prescribed for the interswitching of blocks of 60 or more cars as a unit.

As a result of these changes in the rate structure, the revised rates for blocks of less than 60 cars are to increase, on average, by 3.4 percent over 1996. Conversely, the rates for blocks of 60 or more cars are to decline, on average, by 21.4 percent. The rate for additional kilometres in excess of 40 kilometres from an interchange applicable to blocks of less than 60 cars and blocks of 60 or more cars will decline respectively by 8.7 and 65.2 percent, when compared to the single rate for 1996.

Examples of the new rates are as follows:

- for zone 1, the rate per car for interswitching a block of less than 60 cars remains at \$210, while the rate per car for interswitching a block of 60 or more cars drops to \$65 from the 1997 interim rate of \$105.
- for zone 2, the rate per car for interswitching a block of less than 60 cars increases to \$230 from the 1997 interim rate of \$225, while the rate per car for interswitching a block of 60 or more cars drops to \$70 from the 1997 interim rate of \$105.
- for zone 3, the rate per car for interswitching a block of less than 60 cars increases to \$275 from the 1997 interim rate of \$265, while the rate per car for interswitching a block of 60 or more cars drops to \$90 from the 1997 interim rate of \$105.
- for zone 4, the rate per car for interswitching a block of less than 60 cars increases to \$365 from the 1997 interim rate of \$345, while the rate per car for interswitching a block of 60 or more cars remains at the 1997 interim rate of \$105.

The rate per kilometre in zone 4 for interswitching a car drops from \$4.60 to \$4.20; the additional rate per kilometre for interswitching a car in a block is \$1.60.

Overall, the changes in the rate structure may result in a slight increase in the total revenues derived by railways from interswitching services.

The rate contained in Column IV of the revised schedule to the Regulations is accompanied by deletion of the reference to an actual rate in section 9 so that any future rate changes can be made merely by amending the schedule to the Regulations.

The rate specified in Column V is a totally new rate and is introduced with this amendment to apply for each car of a car block. The rates specified in Columns IV and V are to apply, in addition to the appropriate interswitching per car rate set out in Columns II or III, for each kilometre that is in excess of 40 kilometres.

The proposed rates were prepublished in the Canada Gazette Part I on August 2, 1997; controversy over the rates continued after prepublication.

Contact: Michel Maisonneuve, Senior Investigations Officer, Rail and Marine Complaints and Audit Services Directorate, Rail and Marine Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel: 819-953-2235; Fax: 819-953-5564.

Canadian Transportation Act, subsection 36(1) and sections 112 and 128

NTA/R-1-I

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Ministerial Orders Approved

Statutory Authority & Regulatory Plan Listing

Rules of the Ontario Court of Justice in Criminal Proceedings (SI/97-133)

The rules cover all aspects of criminal proceedings in the Ontario Court of Justice, including service of documents, pretrial proceedings, trial proceedings and evidence. They are designed to simplify procedures and eliminate unjustifiable costs and delays.

The rules come into effect January 1, 1998.

Criminal Code, subsection 482(2)

Not included in Regulatory Plan

To be published in Canada Gazette November 26, 1997

Canadian Chicken Marketing Agency Quota Regulations, 1990, amendment (SOR/97-498)

This amendment, which comes into force on December 21, 1997, establishes the 1997 periodic allocation for the period from December 21, 1997 to February 14, 1998 for producers who market chicken in interprovincial or export trade.

The new limits are as follows:

- production subject to federal and provincial quotas (in live weight, kilograms), for Ontario, 50,533,919; for Quebec, 40,209,268; for Nova Scotia, 5,164,814; for New Brunswick, 4,375,979; for Manitoba, 6,015,536; for P.E.I., 606,638; for Saskatchewan, 2,739,240; for Alberta, 12,603,163; and for Newfoundland, 2,006,803.
- production subject to periodic export quotas (in live weight, kilograms), for Quebec, 2,889,357, Nova Scotia, 99,986; and for Alberta, 617,684.

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

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

Not included in Regulatory Plan

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