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Vol. 144, No. 41 — October 9, 2010

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Ministerial Condition No. EAU-478

Whereas the Minister of the Environment and the Minister of Health have assessed information pertaining to the substance 1-Propanamine, *N,N*-dimethyl-3-(alkoxy)-;

And whereas the Ministers suspect that the substance is toxic or capable of becoming toxic,

The Minister of the Environment, pursuant to paragraph 84(1)(a) of the *Canadian Environmental Protection Act, 1999*, hereby permits the manufacture or import of the substance in accordance with the conditions of the following annex.

JIM PRENTICE
Minister of the Environment

ANNEX

Conditions

(Paragraph 84(1)(a) of the *Canadian Environmental Protection Act, 1999*)

1. The following definitions apply in these ministerial conditions:

“notifier” means the person who has, on February 5, 2009, provided to the Minister of the Environment the prescribed information concerning the substance, in accordance with subsection 81(1) of the *Canadian Environmental Protection Act, 1999* and who has, on April 6, 2010, provided to that minister additional information, in accordance with subsection 84(2) of that Act.

“substance” means 1-Propanamine, *N,N*-dimethyl-3-(alkoxy)-.

2. The notifier may manufacture or import the substance only in accordance with the present ministerial conditions.

Restriction

3. The notifier may import the substance as a component of personal care products, at a concentration of no more than 2.5% in the final personal care product.

4. The notifier may manufacture or import the substance to include it in personal care products at a concentration of no more than 2.5% in the final personal care product.

Disposal Restrictions for Returnable Vessels

5. Prior to returning returnable vessels that contained the substance to the supplier, the notifier shall follow the following procedures:

- (a) all vessels shall be sealed to prevent the release of the substance; or
- (b) all residual substance shall be removed from the vessels.

Disposal Restrictions for Non-returnable Vessels

6. When disposing of, destroying or reusing non-returnable vessels that contained the substance, the notifier shall follow the following procedures:

- (a) all vessels shall be sealed prior to being destroyed or disposed of in accordance with the laws of the jurisdiction where the disposal facility is located; or

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- (b) all vessels shall be destroyed or disposed of, destroyed or reused.

Disposal Restriction of the Substance

7. (1) The notifier must destroy or dispose of the vessels, the substance or any waste containing the substance, by

- (a) incinerating them in accordance with the laws of the jurisdiction where the disposal facility is located; or
- (b) depositing them in a secure landfill, in accordance with the laws of the jurisdiction where the landfill is located, if it cannot be destroyed or disposed of in accordance with paragraph (a).

(2) For the purpose of subitem (1), "waste" includes wastes resulting from process effluents and any residual amounts of the substance, including any residue removed from vessels in application of paragraph 5(b) or 6(b).

Environmental Release

8. Where any release of the substance to the environment occurs, measures necessary to prevent any further release and to limit the dispersion of the substance shall be taken. Furthermore, the notifier shall inform the Minister of the Environment immediately by contacting an enforcement officer, designated under the *Canadian Environmental Protection Act, 1999*, of the Environment Canada Regional Office that is closest to where the release occurred.

Record-keeping Requirements

9. (1) The notifier shall maintain electronic or paper records, with any documentation supporting the validity of the information contained in these records, indicating

- (a) the use of the substance;
- (b) the quantity of the substance that the notifier manufactures, imports, purchases, sells and uses;
- (c) the name and address of each person obtaining the substance from the notifier; and
- (d) the name and address of the person in Canada who has disposed of the substance or of the waste containing the substance for the notifier, the method used to do so, and the quantities of the substance or waste shipped to that person.

(2) The notifier shall maintain electronic or paper records mentioned in subitem (1) at the notifier's principal place of business in Canada for a period of at least five years.

Other Requirements

10. The notifier shall inform all persons who obtain the substance from the notifier, in writing, of the terms of these ministerial conditions. The notifier shall obtain, prior to any transfer of the substance, written confirmation from these persons that they will comply with the terms of these ministerial conditions as if they had been imposed on them. This written confirmation shall be maintained at the notifier's principal place of business in Canada for a period of at least five years.

Coming into Force

11. The present ministerial conditions come into force on October 3, 2010.

[41-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Order 2010-87-10-02 Amending the Non-domestic Substances List

Whereas, pursuant to subsections 87(1) and (5) of the *Canadian Environmental Protection Act, 1999* ([see footnote a](#)), the Minister of the Environment has added the substances referred to in the annexed Order to the *Domestic Substances List* ([see footnote b](#));

Therefore, the Minister of the Environment, pursuant to subsections 87(1) and (5) of the *Canadian Environmental Protection Act, 1999* ([see footnote c](#)), hereby makes the annexed *Order 2010-87-10-02 Amending the Non-domestic Substances List*.

Ottawa, September 24, 2010

JIM PRENTICE
Minister of the Environment

ORDER 2010-87-10-02 AMENDING THE NON-DOMESTIC SUBSTANCES LIST**AMENDMENT**

1. Part I of the *Non-domestic Substances List* ([see footnote 1](#)) is amended by deleting the following:

7216-95-7
71010-75-8
71010-76-9
90462-19-4

COMING INTO FORCE

2. This Order comes into force on the day on which *Order 2010-87-10-01 Amending the Domestic Substances List* comes into force.

[41-1-o]

DEPARTMENT OF INDUSTRY

OFFICE OF THE REGISTRAR GENERAL

Appointments

| <i>Name and position</i> | <i>Order in Council</i> |
|---|-------------------------|
| Bevan, David Associate Deputy Minister of Fisheries and Oceans | 2010-1173 |

| | |
|---|-----------|
| Chaput, Mary | 2010-1172 |
| Associate Deputy Minister of Veterans Affairs | |
| Dupont, Serge | 2010-1168 |
| Deputy Minister of Natural Resources | |
| Government of Manitoba | |
| Administrators | |
| Hamilton, The Hon. Barbara M. | 2010-1150 |
| October 14, 15 and 20 to 22, 2010 | |
| Steel, The Hon. Freda M. | 2010-1151 |
| November 25 to 26, 2010 | |
| Government of Prince Edward Island | |
| Administrators | 2010-1149 |
| Matheson, The Hon. Jacqueline | |
| September 30 to October 1, 2010 | |
| McQuaid, The Hon. John A. | |
| October 2, 2010 | |
| Jean, Daniel | 2010-1175 |
| Deputy Minister of Canadian Heritage | |
| King, Matthew | 2010-1174 |
| Associate Deputy Minister of National Defence | |
| Lane, The Hon. J. Gary | 2010-1105 |
| Government of Saskatchewan | |
| Administrator | |
| September 26 to October 2, 2010 | |

* Moldaver, The Hon. Michael J. 2010-1152

Government of Ontario

Administrator

September 24 to October 2, 2010

Nunavut Court of Justice 2010-1155

Deputy Judges adjoints

Hembroff, The Hon. W. Vaughan

MacDonell Clark, The Hon. Peter

Midwinter, The Hon. Brian C.

Rooke, The Hon. John D.

Outhwaite, Krista 2010-1171

Public Health Agency of Canada

Executive Vice-President and Chief Operating Officer

Privy Council Office

Senior Advisors

LaRocque, Judith 2010-1169

Cassie-Doyle, Catherine 2010-1170

Watson, The Hon. Jack 2010-1106

Government of Alberta

Administrator

September 30 to October 5, 2010

* Correction

October 1, 2010

DIANE BÉLANGER
Official Documents Registrar

DEPARTMENT OF TRANSPORT**AERONAUTICS ACT***Interim Order No. 3 Respecting Identity Screening*

Whereas, pursuant to subsection 6.41(1.2) ([see footnote d](#)) of the *Aeronautics Act* ([see footnote e](#)), the Minister of Transport has consulted with the persons and organizations that the Minister considers appropriate in the circumstances concerning the annexed *Interim Order No. 3 Respecting Identity Screening*;

Therefore, the Minister of Transport, pursuant to subsection 6.41(1) ([see footnote f](#)) of the *Aeronautics Act* ([see footnote g](#)), hereby makes the annexed *Interim Order No. 3 Respecting Identity Screening*.

Ottawa, September 16, 2010

CHUCK STRAHL
Minister of Transport

INTERIM ORDER NO. 3 RESPECTING IDENTITY SCREENING**INTERPRETATION****Definition**

1. In this Interim Order, "Act" means the *Aeronautics Act*.

Conflict

2. If there is a conflict between this Interim Order and the *Identity Screening Regulations*, this Interim Order prevails to the extent of the conflict.

APPLICATION**Application**

3. This Interim Order applies in respect of the following passenger-carrying flights if the passengers are screened before boarding for weapons, explosive substances, incendiary devices or their components or other dangerous items that could be used to jeopardize the security of an aerodrome or an aircraft:

(a) domestic flights that depart from aerodromes listed in the schedule to the *CATSA Aerodrome Designation Regulations* and are conducted by air carriers under Subpart 5 of Part VII of the *Canadian Aviation Regulations*; and

(b) international flights that depart from or will arrive at aerodromes listed in the schedule to the *CATSA Aerodrome Designation Regulations* and are conducted by air carriers

(i) under Subpart 1 of Part VII of the *Canadian Aviation Regulations* using aircraft that have a maximum certificated take-off weight (MCTOW) of more than 8 618 kg (19,000 pounds) or have a seating configuration, excluding crew seats, of 20 or more, or

(ii) under Subpart 5 of Part VII of the *Canadian Aviation Regulations*.

BOARDING GATE SCREENINGS**Domestic flights**

4. (1) An air carrier must, at a boarding gate for a domestic flight, screen each passenger for the flight by looking at the passenger, and in particular his or her entire face, to determine if he or she appears to be 18 years of age or older.

Required identification

(2) The air carrier must also screen each passenger who appears to be 18 years of age or older by comparing the passenger, and in particular his or her entire face, against

(a) a restricted area identity card;

(b) one piece of government-issued photo identification that shows the passenger's name, date of birth and gender; or

(c) two pieces of government-issued identification at least one of which shows the passenger's name, date of birth and gender.

International flights

5. (1) An air carrier must, at a boarding gate for an international flight, screen each passenger for the flight by looking at the passenger, and in particular his or her entire face, to determine if he or she appears to be 18 years of age or older.

Required identification

(2) The air carrier must also screen each passenger who appears to be 18 years of age or older by comparing the passenger, and in particular his or her entire face, against

(a) a restricted area identity card; or

(b) one piece of government-issued photo identification that shows the passenger's name, date of birth and gender.

Lost or stolen identification

6. (1) An air carrier may screen a passenger who appears to be 18 years of age or older by comparing the passenger, and in particular his or her entire face, against an alternative form of identification if the passenger presents documentation from a government or police service attesting to the loss or theft of the identification required under subsection 4(2) or 5(2).

Examples

(2) Alternative forms of identification include but are not limited to employee identity cards, public transit passes and baptismal certificates.

Prohibition

7. An air carrier must not transport a passenger if

(a) the passenger presents a piece of photo identification and does not resemble the photograph;

(b) the passenger does not appear to be the age indicated by the date of birth on the identification he or she presents;

(c) the passenger does not appear to be the gender indicated on the identification he or she presents; or

(d) the passenger presents more than one form of identification and there is a major discrepancy between those forms of identification.

Medical exception

8. An air carrier may transport a passenger who presents a piece of photo identification and does not resemble the photograph if

(a) the passenger was disfigured after the photograph was taken and he or she presents the air carrier with a document signed by a health care professional that attests to this fact; or

(b) the passenger's face is bandaged for medical reasons and he or she presents the air carrier with a document signed by a health care professional that attests to this fact.

DESIGNATED PROVISIONS

Designation

9. (1) The following provisions of this Interim Order are designated as provisions the contravention of which may be dealt with under and in accordance with the procedure set out in sections 7.7 to 8.2 of the Act:

- (a) subsection 4(1);
- (b) subsection 4(2);
- (c) subsection 5(1);
- (d) subsection 5(2); and
- (e) section 7.

Maximum amounts

(2) The maximum amount payable in respect of a contravention of a designated provision referred to in subsection (1) is

- (a) \$5,000, in the case of an individual; and
- (b) \$25,000, in the case of a corporation.

Notice of contraventions

10. A notice referred to in subsection 7.7(1) of the Act must specify

- (a) the particulars of the alleged contravention;
- (b) that the person on whom the notice is served or to whom it is sent has the option of paying the amount specified in the notice or filing with the Tribunal a request for a review of the alleged contravention or the amount of the penalty;
- (c) that payment of the amount specified in the notice will be accepted by the Minister in satisfaction of the amount of the penalty for the alleged contravention and that no further proceedings under Part I of the Act will be taken against the person on whom the notice in respect of that contravention is served or to whom it is sent;
- (d) that the person on whom the notice is served or to whom it is sent will be provided with an opportunity consistent with procedural fairness and natural justice to present evidence before the Tribunal and make representations in relation to the alleged contravention if the person files a request for a review with the Tribunal; and
- (e) that the person on whom the notice is served or to whom it is sent will be deemed to have committed the contravention set out in the notice if the person fails to pay the amount specified in the notice and fails to file a request for a review with the Tribunal within the prescribed period.

EXPLANATORY NOTE

(This note is not part of the Interim Order.)

Proposal

The *Interim Order No. 3 Respecting Identity Screening* made under subsection 6.41(1) of the *Aeronautics Act* by the Minister of Transport requires air carriers to validate passengers' physical appearance at the boarding gate if they appear over 18 years old.

The *Interim Order No. 3 Respecting Identity Screening* would, in accordance with subsection 6.41(2) of the *Aeronautics Act*, cease to have effect 14 days after it was made unless it is approved by the [Governor in Council](#). If so approved, the Interim Order will, in accordance with subsection 6.41(3) of the *Aeronautics Act*, remain in force for one year or until regulations having the same effect are made.

Objective

Positively identifying passengers is an important tool in Transport Canada's multi-layered approach to enhance aviation security.

This Interim Order is necessary to allow Canada to continue to fulfill its international and departmental responsibility to establish and implement regulations to safeguard aviation operations against acts of unlawful interference.

Background

The Canadian public expects commercial air travel to be safe and secure. In an effort to meet this expectation, and to further safeguard aviation security, clarification to the *Identity Screening Regulations* is needed to ensure that passengers intending to board an aircraft will have their identity verified. Therefore, every person who appears to be 18 years of age or older intending to board an aircraft will have their physical appearance, and in particular their entire face, verified against their government issued identification by the air carrier at the boarding gate.

Understanding that there may be extenuating circumstances for passengers when travelling, the Interim Order also permits air carriers to accept alternate documentation in the event a passenger lost their identification or had it stolen and gives allowances for those passengers whose facial features may have been altered. Identification is still required in these circumstances, and the passenger must also provide appropriate documentation to the air carrier that would support their claim.

If a passenger does not meet the above requirements, the air carrier is prohibited from allowing that passenger to pass beyond the boarding gate onto an aircraft, and the air carrier could be charged a monetary penalty.

Implications

Since all passengers regardless of age are required to present identification to an air carrier representative as part of the air carrier's pre-board verification policy, the impact on passengers is low.

Without the Interim Order and subsequent regulations to make the requirements of the interim order permanent, aviation security could be jeopardized.

Consultation

The Minister consulted with air carriers who are affected by this Interim Order, and they indicated their full support of the requirements as they basically mirror the internal policies they already have in place.

Proposed amendments to the *Canadian Aviation Security Regulations* or the *Identity Screening Regulations* will be submitted for consideration to the Governor in Council in the coming months.

Contact

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Regulatory Affairs
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Telephone: 613-998-9605

[41-1-o]

[Footnote a](#)

S.C. 1999, c. 33

[Footnote b](#)

SOR/94-311

[Footnote c](#)

S.C. 1999, c. 33

[Footnote d](#)

S.C. 2004, c. 15, s. 11(1)

[Footnote e](#)

R.S., c. A-2

[Footnote f](#)

S.C. 2004, c. 15, s. 11(1)

[Footnote g](#)

R.S., c. A-2

[Footnote 1](#)

Supplement, *Canada Gazette*, Part I, January 31, 1998

Date modified: 2011-10-01