



Government
of Canada

Gouvernement
du Canada

[Home](#) > [How government works](#) > [Treaties, laws and regulations](#) > [Canada Gazette](#)

> [Publications](#) > [Part I: Vol. 157 \(2023\)](#) > [May 27, 2023](#)

Canada Gazette, Part I, Volume 157, Number 21: Regulations Amending the Explosives Regulations, 2013

30 days consultation (until June 26, 2023)

May 27, 2023

Statutory authority

Explosives Act

Sponsoring department

Department of Natural Resources

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Regulations.)

General Comment

► [Add a comment for the General Comment section](#)

Executive summary

Issues: Natural Resources Canada's (NRCan) Explosives Program (the Program) and the explosives sector have undergone changes since the *Explosives Regulations, 2013* (the Regulations) were last significantly updated nearly 10 years ago. The Regulations need to be updated to remain relevant and achieve safety and security objectives.

Description: The regulatory proposal would amend the Regulations to enhance safety and improve efficiency by ensuring requirements are aligned with safety and security risks, reducing the unnecessary administrative burden, aligning with best practices of national and international partners, and clarifying the intent of regulatory requirements.

Rationale: NRCan's Explosives Regulatory Review (the Review) engaged in extensive research and outreach to identify key irritants with the current Regulations. Several key themes emerged, including that the regulatory regime requires modernization and "clean-up" and that the administrative burden needs to be reduced. The Review assessed the impact of the proposed amendments on the industry and Canadians quantitatively and qualitatively through a cost-benefit analysis (CBA). The CBA found a highly positive and robust net impact for the amendments. The Review also estimated positive impacts for small businesses and no net increased administrative burden under the one-for-one rule.

► **Add a comment for the Executive summary section**

Issues

Almost 10 years ago, Natural Resources Canada's (NRCan) Explosives Program conducted a significant update of its regulatory regime to further formalize and refine the requirements that govern the safety and security of the Canadian explosives sector. Since then, both the Program and the explosives sector have undergone changes, which have highlighted the need to update the current *Explosives Regulations, 2013* (the Regulations) to ensure requirements remain relevant and effective in achieving safety and security goals.

The regulatory requirements for products like propellant powders, reactive targets and novelty fireworks, for example, do not currently align with their risk profile. While most of these products need added requirements to better address safety risks, the requirements for novelty fireworks, such as sparklers, party poppers and even toy pistol caps, are unnecessarily onerous due to their lower-risk profile compared to other types of consumer fireworks.

From an administrative perspective, prescribed application forms currently require applicants to provide a fax number, an outdated technology that is seldom used. In addition, many of the requirements for annual reporting by industry represent a significant stakeholder burden, but are no longer needed by the Program. Current transportation requirements are overly complex and require streamlining to avoid stakeholder confusion. Moreover, several provisions in the Regulations are duplicative, while others are obsolete. There are also discrepancies between the French and English versions of the Regulations, which can cause confusion, especially for a national program.

► **Add a comment for the Issues section**

Background

In spring 2021, NRCan's Explosives Program initiated a comprehensive review of the Regulations to modernize the explosives regulatory regime in line with the Government of Canada's regulatory modernization agenda. The Explosives Regulatory Review (the Review) engaged in extensive research, carried out targeted national and international comparisons to identify best practices, and conducted stakeholder and expert outreach to seek sector views on regulatory challenges.

The Review collected over 280 regulatory irritants from internal and external stakeholders and experts. The following five key themes emerged from this outreach:

The safety and security requirements in the Regulations need to better align with the risk;

The licensing and fee scheme in the Regulations is overly complex and outdated;

The administrative burden in the Regulations needs to be reduced;

The inaccuracies and "clean-up" of the Regulations need to be addressed; and

The regulatory regime requires modernization to allow for new requirements.

► **Add a comment for the Background section**

Objective

To address the regulatory irritants, the Review intends to bring forward two consecutive omnibus regulatory amendment packages. The goal of this first regulatory package is to modernize the explosives regulatory regime by enhancing safety and security and increasing regulatory efficiency. The

proposed amendments would enhance how the Program delivers its mandate and would mitigate irritants identified by stakeholders, including reducing the unnecessary administrative and regulatory burden across the explosives sector.

► **Add a comment for the Objective section**

Description

The Regulations are organized into 20 parts. The following are the main components of this regulatory proposal, organized by subject and the relevant parts.

Definition (Part 1)

The proposed amendments would add the following definition to Part 1 to clarify the language used in the Regulations:

misfire

means the complete or partial failure of a charge to explode as planned.

UN 3375, Ammonium nitrate emulsion (Parts 1, 5 and 9)

The proposed amendments to Part 1 would update the definition of “explosive” to include UN 3375, AMMONIUM NITRATE EMULSION, GEL, OR SUSPENSION.

The proposed amendments to Parts 5 and 9 would

- allow a person, subject to conditions, to pump explosives numbered UN 3375 in activating an emergency response assistance plan approved by the Minister of Transport under the *Transportation of Dangerous Goods Act, 1992* (TDG Act);
- provide that a carrier of explosives must not transport explosives in a towed vehicle unless the explosives are classified as UN 3375 and are in a road vehicle, as defined in the *Transportation of Dangerous Goods Regulations*

(TDG Regulations), and no more than two drawn road vehicles are used in a road train; and

- add UN 3375 AMMONIUM NITRATE EMULSION, GEL, OR SUSPENSION to the list of materials requiring transport in a vehicle with a tracking and communication system.

Exception for historical re-enactments (Part 2)

The proposed amendments to Part 2 would add an exception to allow for persons under the age of 18 to possess small arms cartridges and black powder cartouches at federal or provincial/territorial sites that hold a division 2 factory licence, for the purposes of conducting sanctioned demonstrations or historical re-enactments.

Authorization of explosives for a specified period to include tests conducted by foreign states (Part 3)

The proposed amendments to Part 3 would allow an application for an authorization of explosives for a specified period to include

- the results of any tests conducted by or on behalf of a foreign state that has authorized the explosive or a similar explosive; or
- the classification of the explosive by a foreign state.

These proposed amendments would clarify and formalize the current NRCan application process for stakeholders seeking an authorization for an explosive for a specified period.

Exception for the Department of National Defence to transport explosives into and within Canada using commercial freight carriers (Parts 3 and 4)

The proposed amendments would add an exception to Parts 3 and 4 to allow the importation of explosives that have not been authorized into Canada for the Department of National Defence (DND), the Canadian Armed Forces (CAF) and

international allies cooperating with the CAF, using commercial freight carriers, provided the following requirements are met:

- The explosives have been procured by DND, the CAF or any armed forces cooperating with the CAF;
- The shipper and the carrier have ensured that nothing other than the explosives procured by DND, the CAF or any armed forces cooperating with the CAF are transported in the same vehicle;
- DND, the CAF or any armed forces cooperating with the CAF has informed the carrier of the transportation requirements specified under Part 9 of the Regulations;
- The carrier or driver possesses an approval letter or equivalent document issued under Part 8 of the Regulations; and
- The carrier transports the delivery directly from the port of entry to DND, the CAF or any armed forces cooperating with the CAF.

The proposed amendments would also add an exception to Part 3 to allow the transportation of explosives that have not been authorized within Canada by DND, the CAF or any armed forces cooperating with the CAF, using commercial freight carriers. The exception would apply if the explosives were classified for transportation by a competent authority that is also recognized by the Chief Inspector of Explosives as having a transport classification process equivalent to that set out in the TDG Regulations.

Novelty devices (Parts 3, 4, 5 and 16)

This regulatory proposal would amend Part 3 to create a new Type F.5 classification for low-risk fireworks called novelty devices to support the addition of new requirements for these novelty devices in Part 16. The proposed

amendments would also update Parts 4 and 5 of the Regulations to list Type F.5 explosives in provisions listing Type F explosives.

The proposed amendments would update the definitions of distributor, licence, retailer and user in Part 16 to include novelty devices and would add the following new definition to Part 16:

novelty device

means a low-noise, low-energy firework that is safe to use in confined spaces.

The proposed amendments would add requirements to Part 16 for novelty devices based on the existing Part 16 requirements for consumer fireworks, with some modifications to reflect the lower risk profile of novelty devices, including

- allowing a user who is at least 16 years old to acquire, store and use novelty devices, whether or not they hold a licence, and requiring a user who acquires novelty devices to comply with the requirements in Part 16;
- allowing a user who is less than 16 years old to acquire and use toy pistol caps;
- adding a requirement that a user under the age of 16 may use novelty devices if they are supervised by a person who is at least 18 years old; and
- permitting a person who acquires novelty devices to give them to a user under the age of 16 if they ensure the user is supervised by someone who is at least 18 years old.

Alignment of the Regulations with the Transportation of Dangerous Goods Act, 1992 and the Transportation of Dangerous Goods Regulations (Parts 3, 5, 9, 16 and 18)

The proposed amendments would align the Regulations with the TDG Act and the TDG Regulations by

- incorporating a requirement in Part 3 of the Regulations from the TDG Regulations and Transport Canada's packaging standard CGSB-43.151 by adding the transportation of set pieces to the list of activities involving an explosive that may be carried out even though the explosives are not authorized;
- clarifying in Part 3 that a United Nations (UN) number may not always be set out as part of its classification under the TDG Regulations;
- aligning the terminology and references used in Parts 5 and 9 with the updated terminology and references used in the TDG Act and TDG Regulations;
- adding a new requirement in Part 9, similar to requirements for licence holders, for a carrier to provide the Chief Inspector of Explosives with a written report about an accident or incident that includes the likely cause of the accident or incident and the steps that the carrier will take to prevent an accident or incident of that nature from happening again; and
- adding requirements in Parts 16 and 18 to allow for the reuse of packaging for novelty devices, consumer fireworks and display fireworks, provided requirements that were previously in Transport Canada's packaging standard CGSB-43.151 in the TDG Regulations are met.

Minimum age for hazardous work (Part 5)

The proposed amendments would increase the minimum age for workers at Division 1 and 2 factories and satellite sites, and for workers involved in manufacturing explosives, from 17 years of age to 18 years of age.

Transportation requirements (Parts 5 and 9)

This regulatory proposal would expand the exception in Part 5 to clarify that a Mobile Process Unit (MPU) that contains explosives does not need to be attended in person if it is awaiting towing or repair and is secured in an access-controlled mine site or quarry.

The proposed amendments would add, in Part 9, an exception to the requirement for carriers to obtain a permit for oversized loads for jet perforating guns, provided the jet perforating guns

- are transported in a motor vehicle or fifth wheel trailer that is equipped with racks, carrying cases, or devices that are designed and constructed to ensure that the jet perforating guns remain securely held in place during transport;
- are protected from damage during transport;
- do not extend beyond the body of the motor vehicle or the bed of the fifth wheel trailer; and
- are transported in a manner that protects them from theft.

The proposed amendments would update Part 9 to require a carrier of explosives by vehicle to ensure the portion of the vehicle that contains the explosives is

- either an intermodal container or is fully enclosed and fire resistant; and
- constructed of or lined with a material that prevents sparking and does not increase the likelihood of an initiation.

The proposed amendments would clarify and streamline the exceptions for transporting explosives in a towed vehicle in Part 9 by adding a new exception that a carrier or driver of explosives must not transport explosives in a towed vehicle unless it is for the purposes of returning a vehicle to the road and the following requirements are met:

- There is no evidence of theft, attempted theft, loss of an explosive, fire, spill, accidental explosion, injury, death, accidental property or vehicle damage, or a release or unanticipated release of explosives; and
- After towing the vehicle to the road, the driver must conduct an inspection to confirm the explosives remain undamaged and to verify that the vehicle continues to meet the safety and roadworthiness requirements in Part 9 of the Regulations.

The proposed amendments would add new requirements in Part 9 to permit a vehicle containing explosives to be monitored by a person using electronic means instead of in person if the following requirements are met:

- The vehicle, including the portion of the vehicle containing explosives, must be locked, parked in a secure, access-controlled location, under video surveillance, and have a device or system in place that will ensure the vehicle is immobilized and an alarm will alert the driver and carrier if an attempt is made to steal the explosives or tamper with or steal the vehicle; and
- In the case of an emergency, the driver or carrier contacts the appropriate authorities as soon as possible.

The proposed amendments would further update the transportation requirements in Part 9 by

- clarifying and streamlining the existing requirements for ensuring sound mechanical vehicle conditions for transporting explosives while maintaining the same level of safety;
- addressing inconsistencies and duplication, and clarifying the requirements for stopping en route when transporting explosives and for the parking of vehicles containing explosives overnight;

- clarifying that only MPUs that remain on a mine site or quarry while transporting explosives are excluded from the requirement to ensure vehicles are equipped with a tracking and communication system; and
- clarifying the notification requirements in the event the driver of a vehicle transporting explosives is delayed or in a road accident or incident, including the circumstances in which the police should be contacted.

Reactive targets (Parts 5 and 13)

This regulatory proposal would enhance the requirements in Part 5 for the mixing of reactive targets, which are multi-ingredient kits intended for long-range target shooting, by

- requiring the person mixing the ingredients of the kit to hold a licence issued under the *Firearms Act*;
- requiring the instructions on the packaging for mixing the ingredients to be followed, and if there are no such instructions, prohibiting the ingredients in the reactive target from being mixed or used;
- prohibiting foreign objects from being added to the reactive target when mixing the ingredients or before use;
- requiring no more than one kit to be mixed at a time and prohibiting kits from being combined with other kits; and
- prohibiting kits from being stored or transported once mixed.

The proposed amendments would also amend Part 13 to enhance the requirements for sellers and users of reactive targets by

- explicitly requiring anyone purchasing a reactive target intended for long-range target shooting to have a Possession and Acquisition Licence (PAL) issued under the *Firearms Act*;

- explicitly requiring sellers to only sell reactive targets to users that have a PAL and requiring sellers to record the PAL along with the other information that sellers are required to collect at point of sale; and
- reducing the maximum quantity of reactive targets to be stored at any one time from 20 kg to 5 kg.

Annual reports (Parts 5, 7, 13 and 20)

This regulatory proposal would update the annual reporting requirements in the Regulations by

- removing the requirement in Part 7 for licence, permit or certificate holders carrying out an activity involving a Type I, E, or D explosive to submit an annual report to the Chief Inspector of Explosives, and updating pre-existing record-keeping requirements in Part 5 to reflect elements of the removed Part 7 annual reporting requirement;
- removing the requirement in Part 13 to submit an annual report of the return of expired marine flares to the Chief Inspector of Explosives and replacing it with a requirement to keep records for two years; and
- removing the requirement in Part 20 to submit an annual inventory of ammonium nitrate to the Chief Inspector of Explosives and replacing it with a requirement to keep records for two years.

Terms and conditions for licences, permits and certificates (Part 7)

The proposed amendments to Part 7 would update the terms and conditions for licences, permits and certificates to allow the Minister of Natural Resources to

- refuse a licence, permit or certificate if there are reasonable grounds to believe there is a risk to the safety and security of people; and
- cancel a licence, permit or certificate if there are reasonable grounds to believe the licence, permit or certificate no longer meets the conditions of

the approval letter or equivalent document, or the licence, permit or certificate poses a risk to the safety and security of people.

Screening requirements for approval letters (Part 8)

The proposed amendments would update the screening requirements in Part 8 for individuals seeking approval letters as licence holders or employees to have unsupervised access to high hazard explosives by

- expanding the definition of "equivalent document" to mean a valid security clearance issued by another competent authority that has not expired or been suspended or withdrawn, and specifically listing an Employee Possessor Clearance issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (U.S. ATF) with a valid Canadian work permit as an equivalent document;
- removing the exception that allows individuals to access high hazard explosives after having been refused an approval letter;
- requiring a non-resident of Canada to include a letter from their employer in Canada confirming the work to be done and supporting their application for an approval letter for a high hazard explosives licence;
- requiring an application for an approval letter for a high hazard explosives licence to include the original or a certified copy of a Canadian criminal record check carried out within one year before the date of the application or, in the case of a non-resident of Canada, to include a certified police certificate from their country of origin dated one year before the date of an application or a valid Canadian work permit;
- allowing the Chief Inspector of Explosives to request any additional information or any document that is necessary to enable the Minister of Natural Resources to determine whether to issue or cancel an approval letter;

- requiring the Minister of Natural Resources to refuse to issue an approval letter if the applicant has been convicted of a serious offence in a foreign jurisdiction;
- requiring the Minister of Natural Resources to refuse an approval letter for a high hazard explosives licence if the applicant has made a false or misleading statement in their application, or if there are reasonable grounds to believe that issuing the approval letter would constitute a risk to the safety and security of people; and
- allowing the Minister of Natural Resources to cancel an approval letter if the holder of the approval letter no longer meets the conditions for its issuance.

Blank cartridges for tools (Part 12)

The proposed amendments would clean up and modernize the language in Part 12 to reflect amendments made in 2018 to the Regulations that removed the requirements to hold a licence to acquire, store and sell blank cartridges for tools.

Storage (Parts 12, 13, 14, 16, 17 and 18)

The proposed amendments would clarify and streamline the requirements for storage in a storage unit for blank cartridges for tools, high hazard special purpose explosives, small arms cartridges, propellant powders, black powder cartouches, percussion caps, consumer fireworks, novelty devices, special effect pyrotechnics, and display fireworks.

The proposed amendments would also clarify that when consumer fireworks and special effect pyrotechnics are stored by a user in a dwelling, they must be stored in accordance with package instructions, in a clean, dry place, away from flammable substances and sources of ignition, and in a manner that ensures access to them is limited to people authorized by the user.

Propellant powders (Part 14)

The proposed amendments would update the requirements for propellant powders, including black powder and smokeless powder, by

- clarifying that a mass of propellant powder does not include propellant powder that is in a small arms cartridge, percussion cap or primer;
- adding a requirement that black powder must be stored in its original container in amounts no greater than 500 g of black powder per container;
- clarifying that smokeless powder must be stored in its original container;
- reducing the maximum quantity of black powder that may be stored at any one time in storage units that are not attached to a dwelling, whether in a single unit or in several, from 75 kg to 25 kg;
- clarifying that the maximum quantity of smokeless powder that may be stored at any one time in storage units that are not attached to a dwelling, whether in a single unit or in several, is 75 kg;
- adding a requirement that a seller, before selling propellant powder to a buyer, must require the buyer to provide the buyer's valid fireworks operator certificate — pyrotechnician or the buyer's valid PAL issued under the *Firearms Act*; and
- adding the number and expiry date of a buyer's fireworks operator certificate — pyrotechnician, if applicable, to the information sellers must keep a record of for two years after the date of each sale of propellant powder.

Percussion caps (Part 14)

The proposed amendments would clarify and streamline the requirements for percussion caps and modernize the language in Part 14 to reflect that users of percussion caps are not required under the Regulations to have a licence to

store percussion caps.

Consumer fireworks (Part 16)

The proposed amendments would update the requirements for consumer fireworks in Part 16 by

- requiring licensed sellers to follow the same requirements for displaying consumer fireworks for sale as unlicensed sellers;
- increasing the limit of consumer fireworks that may be stored in a sales establishment at any one time, including fireworks that are displayed for sale, from 1 000 kg to 2 000 kg, and requiring that at least 1 000 kg of the 2 000 kg of fireworks be stored in original packaging or containers; and
- clarifying that the information a seller of consumer fireworks must provide to users may be provided electronically, such as via a QR (quick response) code.

Hybrid shows (Part 16)

The proposed amendments would update Part 16 to enable fireworks operators to hold hybrid shows using both consumer fireworks and display fireworks by

- permitting consumer fireworks to be used by a certified display supervisor or by a display assistant under the direct supervision of a certified display supervisor as a component of a hybrid show containing both consumer fireworks and display fireworks;
- allowing consumer fireworks to be used without following package instructions ("off label") by a certified display supervisor or by a display assistant under the direct supervision of a certified display supervisor;
- permitting a certified display supervisor or a display assistant under the direct supervision of a certified display supervisor to use Type F.4 fireworks

accessories to ignite consumer fireworks for the purpose of a hybrid show;
and

- clarifying that only a certified display supervisor or a display assistant under the direct supervision of a certified display supervisor may use an electric match to fire consumer fireworks, and all other users are prohibited from using electric matches to fire fireworks.

Special effect pyrotechnics (Part 17)

The proposed amendments would update the requirements for special effect pyrotechnics in Part 17 by

- updating terminology and removing outdated information from the application process for a fireworks operator certificate — pyrotechnician and a fireworks operator certificate — visitor pyrotechnician to reflect current NRCan practice of not requiring applicants to provide a fax number, the name of any organization of pyrotechnicians to which the applicant belongs, and a photograph of the applicant taken within the previous 12 months as part of the application process;
- clarifying that a user may acquire and store special effect pyrotechnics whether or not they hold a licence provided that they hold a fireworks operator certificate with the endorsements required for the use of the pyrotechnics; and
- replacing the requirement to ensure that the firing unit must not be connected to a power supply with a requirement that the pyrotechnician in charge ensure that the firing system is secured at all times to prevent accidental ignition.

Display fireworks (Part 18)

The proposed amendments would update the requirements for display fireworks in Part 18 by

- clarifying that a seller must not store electric matches in a magazine in which display fireworks are stored;
- adding a requirement that a seller may sell fireworks only to a user who holds the fireworks operator certificate with the endorsements required for the use of the fireworks to be bought;
- updating terminology and removing outdated information from the application process for a fireworks operator certificate — display supervisor and a fireworks operator certificate — display visitor to reflect current NRCan practice of not requiring applicants to provide a fax number, the name of any organization of fireworks operators to which the applicant belongs, and a photograph of the applicant taken within the previous 12 months as part of the application process;
- clarifying that the letter of recommendation required in the application for a fireworks operator certificate — display visitor must be signed by a display supervisor in charge of a fireworks display that the applicant worked on and the letter of recommendation must attest that the applicant is competent to act as a display supervisor;
- clarifying that a user may acquire fireworks, whether or not they hold a licence, provided that they hold a fireworks operator certificate with the endorsements required for the use of the fireworks to be acquired;
- replacing the requirement to ensure that the firing unit must not be connected to a power supply with a requirement that, if fireworks are electrically fired, the display supervisor in charge must ensure that the firing system is secured at all times to prevent accidental ignition; and

- requiring a second search of the fallout zone to be conducted as soon as light and weather conditions permit if, at the time of the first search, light and weather conditions were insufficient to ensure all explosive materials were removed.

Modernization and general “clean-up”

Finally, the proposed amendments would modernize the Regulations by moving to more performance-based requirements, removing obsolete requirements and references to outdated technologies, streamlining requirements to reduce duplication and inconsistencies, and updating requirements as needed to reflect current industry best practices. In addition, to support stakeholder compliance, a number of the proposed amendments would clarify the policy intent of the requirements or the terminology used in the Regulations. Other proposed amendments would address inconsistencies between the French and English versions of the same provision.

► **Add a comment for the Description section**

Regulatory development

Consultation

The Review conducted two phases of consultation with the explosives sector stakeholders. The first phase was policy consultation in spring 2021 to identify regulatory irritants to guide the planning for developing proposed amendments. The second phase was regulatory consultation in spring 2022 to seek stakeholder feedback on the first package of proposed regulatory amendments.

Policy consultation (spring 2021)

During the initial spring 2021 policy consultation, the Review reached out to industry associations, sellers and law enforcement in writing to introduce the Review and seek their regulatory irritants. The Review also held virtual meetings in March and April 2021 with law enforcement organizations, including the Ontario Provincial Police (OPP), the Royal Canadian Mounted Police (RCMP), the Sûreté du Québec (SQ), the Service de police de la Ville de Montréal (SPVM) and the Toronto Police Service, with provincial counterparts, namely the Canadian Association of Chief Inspector of Mines (CACIM), and with industry associations, including the Canadian Association of Rocketry, the Canadian Explosives Industry Association (CEAEC), the Canadian National Fireworks Association (CNFA), the Canadian Pyrotechnic Council (CPC), the Energy Services Association of Canada (Enserva) and Responsible Distribution Canada (RDC), to introduce the Review. After each meeting, the Review followed up by email with the organization or association to request their written input on regulatory irritants. The Review also engaged with other government departments by email to seek their written input on regulatory irritants. The response from other government departments and the external outreach with provincial counterparts, industry associations, sellers and law enforcement generated 137 irritants.

Regulatory consultation (spring 2022)

Beginning in March 2022, the Review began consulting on the first package of proposed amendments to the Regulations. Given the regulatory proposal had over 250 proposed amendments, the Review conducted three consecutive consultations on the following dates, one for each of the categories of proposed amendments below:

1. **March 8 to 31, 2022:** Proposed amendments to parts 16 to 18 of the Regulations to update fireworks and pyrotechnics requirements
2. **April 19 to May 17, 2022:** Proposed amendments to Part 9 of the Regulations to update the transportation requirements and proposed minor

amendments and general updates to the rest of the Regulations

3. **June 10 to July 8, 2022:** Proposed amendments to parts 12 to 14 of the Regulations to update the requirements respecting propellant powders, percussion caps, small arms cartridges, blank cartridges for tools, and reactive targets

For all three consultations, the Review consulted by email with all of the stakeholders that were notified of the regulatory review during the initial spring 2021 policy consultation, including all stakeholders that met with the Review or provided written comments at that time. The Review provided stakeholders with three to four weeks to provide comments for each of the three consultations. The Review also provided all stakeholders with the opportunity to meet with the Review to discuss the proposed amendments and held targeted meetings with all stakeholders who requested them, including meetings with the CNFA on March 24, 2022, the Canadian Association of Fire Chiefs (CAFC) on February 23, 2022, and April 8, 2022, and the CEAEC on April 26 and 27, 2022.

As the proposed amendments were developed in response to stakeholder irritants, the feedback from stakeholders during the regulatory consultations was generally supportive, and any questions from stakeholders were mainly to seek clarification.

The main exception to the support from stakeholders was from the CAFC, who expressed opposition to the current regime governing consumer fireworks, as well as to the proposed amendments to that regime, citing the risk posed by fireworks in causing fires. In particular, the CAFC recommended that all sellers of consumer fireworks be licensed no matter the type of consumer firework they sell, or the amount. The Review responded to the CAFC's concerns by noting that the Canadian explosives regime is risk-based in that requirements are aligned with the risk posed. It remains the Program's position, as supported by

scientific research, that the consumer fireworks regime and the proposed amendments maintain the high level of safety and security Canadians expect without being unduly onerous.

In addition, the CPC and the CNFA respectively requested that the quantity of consumer fireworks stored in a dwelling be raised from 10 kg to 25 kg and 150 kg. However, after discussing with Program experts and reviewing scientific research, the Review determined that the existing 10 kg storage requirement is more in line with the risks of storing consumer fireworks in a dwelling.

Given the general widespread support from stakeholders, only a few minor adjustments and wording changes were made as a result of all consultations thus far.

Modern treaty obligations and Indigenous engagement and consultation

In accordance with the *Cabinet Directive on the Federal Approach to Modern Treaty Implementation*, an assessment of modern treaty implications (AMTI) was conducted for this regulatory proposal. As part of the AMTI, all treaties with provisions related to explosives were evaluated against the proposed amendments to the Regulations. No modern treaty implications or impacts on Indigenous peoples were found and it was determined that the proposal would not trigger the Crown's duty to consult.

Instrument choice

Under the status quo scenario, safety would not be enhanced, out-of-date provisions would not be updated, and the administrative burden would not be reduced. To be specific,

- annual reports for high explosives (I, E, and D) would remain required;
- the requirement to await the Minister of Natural Resources' direction for emergency towing would remain required;

- the U.S. ATF Employee Possessor Clearance would not be recognized as an equivalent document;
- a letter of employment for screening for an approval letter would not be required for non-Canadian applicants;
- the Minister of Natural Resources would remain limited in the ability to refuse or cancel an approval letter or licence, even when there are reasonable grounds to believe there is a risk to safety;
- written transportation accident reports would not be required in the event of an accident or incident;
- unlicensed users would be able to store 75 kg of black powder;
- users would be able to purchase and store 20 kg of reactive targets; and
- the sale of novelty fireworks such as sparklers would be prohibited in municipalities where the sale of fireworks is banned.

After consulting extensively with stakeholders, the Review has concluded that regulatory amendments would be the only practical way to address stakeholder irritants with the Regulations, including the unnecessary administrative burden, overly complex requirements that cause stakeholder confusion, duplicative or obsolete provisions, and discrepancies between the English and French versions. Furthermore, lessons learned from program implementation have indicated that regulatory amendments are required to better align some requirements with the risk posed by certain explosives.

In addition, the proposed amendment to raise the minimum age for hazardous work is needed in order to comply with the International Labour Organization's (ILO) *Minimum Age Convention, 1973*, which Canada ratified in 2016, and to align the Regulations with the *Canada Labour Code*. The proposed amendments are also necessary to align the Regulations with the TDG Act and TDG

Regulations, and to add requirements from the TDG Regulations that Transport Canada is transferring to NRCan. The proposed amendments are also necessary to clarify that UN 3375 is an explosive in Canada and to support its regulation.

► **Add a comment for the Regulatory development section**

Regulatory analysis

Benefits and costs

The cost-benefit analysis (CBA) assesses the difference between a baseline scenario (without regulatory amendments) and an incremental scenario (with the proposed amendments). Only costs and benefits to Canadian stakeholders are assessed in this analysis. Any foreign costs and benefits have been left out of the analysis. On May 11, 2022, the Review sent a short CBA survey to CEAEC to validate costing assumptions for the regulatory proposal regarding effort, wage rates and frequency. The Review received four responses (three complete) from CEAEC members. The Review then applied the information from the survey responses to the CBA estimates for this proposal.

Under the regulatory scenario, the Regulations would be amended to enhance safety, provide clarity, remove out-of-date provisions, and streamline and reduce the unnecessary burden for industry. Specifically,

- the requirement for annual reporting for high explosives (I, E, and D) would be replaced by a requirement to keep records;
- a driver or carrier could have a vehicle carrying explosives towed back onto the road without requesting the Minister of Natural Resources' direction if the explosives and vehicle were undamaged;
- the list of equivalent documents for security screening would be expanded to include the U.S. ATF's Employee Possessor Clearance, making it easier for

firms operating in the United States and Canada to transfer workers across jurisdictions;

- Canadian employers of non-residents would need to provide a letter of employment when completing security screening for non-residents;
- the Minister of Natural Resources would be able to refuse a licence, permit or certificate if there are reasonable grounds to believe that there is a risk to the safety and security of persons;
- carriers would be required to provide the Chief Inspector of Explosives with a written transportation accident report in the event of an accident or incident;
- those purchasing propellant powder who do not hold a valid fireworks operator certificate — pyrotechnician — would be required to show a PAL;
- the amount of black powder that can be stored without a licence would be reduced from 75 kg to 25 kg;
- the amount of unmixed reactive targets that can be stored without a licence would be reduced from 20 kg to 5 kg;
- a new class of low hazard novelty fireworks would be created; and
- the minimum age for explosives work would be raised from 17 years of age to 18.

The incremental costs have been monetized in accordance with the Treasury Board of Canada Secretariat's guide on CBA. The CBA considers a 10-year period (2023–2032), uses 2022 as the price year and 2022 as the base year for present value. The proposed amendments would come into effect in 2023, when stakeholders would start bearing costs and benefits associated with implementing the proposed amendments.

The proposed amendments entail costs of \$201,700 (undiscounted) in Year 1, costs of \$106,860 (undiscounted) in Year 6, and costs of \$98,520 (undiscounted) in all other years within the 10-year period. Using a standard discount rate of 7%, the present value (PV) total costs would be \$793,955 over the 10-year period, and the annualized value (AV) cost would be \$113,040. The benefits of the proposal would be \$850,950 (undiscounted) annually. The PV total benefits would be \$5,976,717 over the 10-year period, with the AV benefit at \$850,950. Net benefit would be \$649,250 (undiscounted) in Year 1, \$744,090 (undiscounted) in Year 6, and \$752,430 (undiscounted) in all other years. The net present value (NPV) of the proposed amendments would be \$5,182,762 over the 10-year period. This provides an AV net benefit of \$737,910.

These figures are displayed in their totality below. In addition to monetized costs and benefits, there are several benefits assessed qualitatively due to data limitations. These include increased public safety and easier compliance due to regulatory streamlining.

Benefits to industry

The proposed amendments are expected to facilitate compliance by enhancing clarity and readability throughout the Regulations. Streamlining, clarifying and updating applies to several proposed amendments in this package, including removing unnecessary annual reports, updating transportation requirements, and updating screening requirements for approval letters.

Removing the requirement for licence, permit or certificate holders carrying out an activity involving a Type I, E, or D explosive to submit an annual report would result in a cost saving of \$454,500 (undiscounted) each year. It is assumed that annual reports are required for 909 licences (the sum of I, E, and D explosives licences and import/export permits). Stakeholders indicated that employees

responsible for submitting the reports would have an average hourly wage of \$50 (factoring in benefits and other expenses) and estimated that it takes roughly 10 hours to complete an annual report for a standard-sized firm.

According to data from stakeholder consultation, there are 0.132 towing incidents per licence. Applying this ratio to all applicable licences (1021), there is an average of 135 towing events per year. Based on stakeholder feedback, the average time to wait for the Minister of Natural Resources' direction is assumed to be 1.5 hours per event. Based on an average hourly wage rate of \$50, the proposed amendment of allowing a vehicle carrying explosives be towed back onto the road without the Minister's direction provides a benefit of \$10,125 (undiscounted) per year for holders of explosives licences.

Adding the ATF's Employee Possessor Clearance to the list of equivalent documents would result in a cost savings of \$386,325 per year. Each request is composed of a fixed cost (\$25 per request for an RCMP police records check) and a variable cost (an average of eight hours per request at a wage of \$50, according to stakeholders). Assumptions include that there is an average of one request per licence (many stakeholders hold more than one licence) and that 909 licences are impacted (the sum of I, E, and D explosives licences and import/export permits). Fixed cost savings and variable cost savings stand at \$22,725 (undiscounted) and \$363,600 (undiscounted) respectively. This benefit applies to Canadian firms who employ American workers.

The creation of a new class of low hazard novelty fireworks and re-categorization of certain fireworks into this class would allow for the sale of low-risk fireworks throughout the year despite municipal fireworks bans. Currently, many retailers are unintentionally in violation of municipal fireworks bans when they sell low hazard fireworks. This classification would ensure that these actors do not unintentionally break the law and that low hazard fireworks remain legal for sale year-round and across municipalities. This would reduce the costs of

retailers needing to add and remove fireworks from their catalogue of products each year (as many municipalities have short periods when the sale of fireworks is authorized).

Increasing the minimum age for explosives work from 17 to 18 would standardize the Regulations with other regulations in Canada and with international norms. The main benefits would be policy coherence and consistency, as well as maintaining Canada's positive reputation for labour regulation internationally. It is expected that this will apply to all holders of explosives licences.

Benefits to Canadians

The creation of a new class of low hazard novelty fireworks and re-categorization of certain fireworks would benefit any user of low hazard fireworks through ease of acquiring them and increased personal enjoyment from their use.

The proposed amendments would enhance public safety by reducing the potential impact of an accidental black powder ignition by reducing the total amount and individual container size of unlicensed black powder storage. Safety would also be enhanced by reducing the impact of potential misuse of reactive targets by reducing the number of reactive targets that can be purchased, stored and mixed, and by specifying that no more than one kit may be mixed, and no objects can be mixed into the kits.

The benefits of reducing improper use of reactive targets have been demonstrated by several notable incidents occurring in Canada and the United States over the last six years. For example, on April 23, 2017, the "Sawmill Fire" in Arizona burned more than 46 000 acres and caused \$8 million (US\$) in property damages after Tannerite, a brand of reactive targets sold in kit form, was used in a gender reveal party.¹ In November 2018, the intentional detonation of 40

pounds of Tannerite caused an estimated \$14 million (Can\$) in damage to a parking garage in Sherwood Park, Alberta. And on May 31, 2021, a reactive target used in a gender reveal party led to a wildfire near Fort McMurray, Alberta.

The proposed amendments are expected to bring security benefits associated with enhanced security screening by requiring buyers purchasing propellant powder to show a PAL if they do not hold a valid fireworks operator certificate — pyrotechnician, and by providing additional grounds for the Minister of Natural Resources to refuse or cancel a security screening approval letter required for access to high hazard explosives.

The benefits of the proposed amendments have the potential to be significant, as evidenced by the millions of dollars in damages that reactive target incidents have caused over the last six years. However, given the relatively low and random incidence of such events, it is difficult to estimate their probability in Canada, and even more difficult to estimate how much the proposed amendments would reduce this probability. Therefore, benefits to public safety are expressed in purely qualitative terms.

Costs to industry

Both the screening letter of employment to bring employees in from outside of Canada and the written transportation accident or incident report would increase costs to businesses in terms of the time and wages spent completing the document. However, the frequency of the written accident report would depend on the occurrence of an incident. Since accidents and incidents occur relatively rarely, they would represent a modest cost to industry stakeholders.

Based on consultations, stakeholders estimate that new approval letters would be required anywhere from two times per year (for small to medium-sized stakeholders) to 20 times per year (for large stakeholders). In light of the fact

that large stakeholders typically hold numerous licences, an average number of two approval letters per licence was deemed appropriate. Choosing a higher number risked overestimating the per-licence requirement of approval letters. Assuming \$50 per hour wages, that each licence requires two employment letters per year, that all applicable high-hazard licences are impacted (1 021), and that completing a letter would take 0.5 hours, the additional costs are estimated to be \$51,050 (undiscounted) annually, applicable to all current licence holders. Larger firms would assume more costs than smaller firms, as larger firms require more approval letters on average.

Accident reports are relatively uncommon for explosives companies. Typically, two to three transportation accidents are reported to the Program per year under the current regulatory requirement. According to stakeholders, the average wage in this case is \$65 per hour (including benefits) and an average of 16 hours of combined work for each report. Assuming three accidents per year, these numbers provide a cost estimate of \$3,120 (undiscounted) per year. These costs would apply to very few licensees, as only two to three incidents happen annually. In addition, consultations indicate that larger firms expect a higher incidence than smaller firms.

The reduction in black powder storage authorized without a licence (from 75 kg to 25 kg) may drive some unlicensed retailers to obtain a licence. This would represent a new cost for those who choose a licence over a reduction in black powder storage. That said, the current structure of the propellant powder market suggests few new licences would be requested. It is estimated that there are 40 retailers who store between 25 kg to 75 kg of black powder without a licence. Assuming 25 of them were to get licensed at a cost of \$143 per magazine licence, the total cost is estimated to be \$3,575 (undiscounted) per year.

In addition, while industry would benefit from the removal of the requirement for annual reports for I, E, and D explosives, they would now be required to keep records for two years. At an estimated cost of \$50 per hour and an estimated effort of 15 minutes per licence to keep records, the total cost of record keeping is estimated to be \$11,362 (undiscounted) annually. This cost applies to all current 909 licence holders for I, E, and D explosives.

Costs to Canadians

Purchasers of reactive targets and propellant powders would see their costs increased. Canadians who do not hold a fireworks operator certificate — pyrotechnician would be required to show a PAL to purchase propellant powders. Between the application cost and the required course, a PAL would cost several hundred dollars. However, the number of existing propellant powder users without a PAL is small, so this cost overall is not expected to be large.

Conversations with stakeholders suggest that potentially fewer than 100 propellant powder users do not already have a PAL. The cost of a PAL is \$83.40 in addition to \$190 for the cost of the course and 24 hours of time to complete the course. The Review used the average Canadian wage of \$31.60 per hour to calculate the cost of 24 hours of time for 100 stakeholders. These assumptions provide a cost of \$103,180 (undiscounted) in Year 1 and a cost of \$8,340 (undiscounted) in Year 6 (to renew the expired PAL, but no need to retake the course).

Likewise, purchasers of reactive targets would be able to purchase/store only 5 kg (instead of 20 kg) under the proposed amendments, requiring more frequent trips to the store or more frequent online purchases. Assuming individuals buy the maximum legal amount of reactive targets, the proposed amendments would then result in 772 additional transactions for reactive targets per year. For this analysis, it is assumed that half of the orders are done

online and half are done via pickup. Assuming fixed shipping costs of \$13 and pickup costs of two hours (at the average Canadian wage of \$31.60 per hour), the calculated increased cost is \$29,413 (undiscounted) per year.

Cost-benefit statement

Number of years: 10 (2023 to 2032)

Base year for costing: 2022

Discount rate: 7%

Table 1: Monetized costs

Impacted stakeholder	Description of cost	First year (2023)	Year 6 (2028)	Final year (2032)	Total PV (see Note 2)	Annualized value
Industry	Screening letter of employment	\$51,050	\$51,050	\$51,050	\$358,554	\$51,050
Industry	Transportation accident reports	\$3,120	\$3,120	\$3,120	\$21,914	\$3,120
Industry	Black powder reduction in storage	\$3,575	\$3,575	\$3,575	\$25,109	\$3,575
Industry	Two-year record keeping for I, E, and D explosives	\$11,362	\$11,362	\$11,362	\$79,805	\$11,362

Canadians	PAL licence to purchase propellant powder (if no fireworks operator certificate)	\$103,180	\$8,340	\$0	\$101,987	\$14,520
Canadians	Increased transactions to purchase reactive targets	\$29,413	\$29,413	\$29,413	\$206,586	\$29,413
Total	Total costs	\$201,700	\$106,860	\$98,520	\$793,955	\$113,040

Table 2: Monetized benefits

Impacted stakeholder	Description of benefit	First year (2023)	Year 6 (2028)	Final year (2032)	Total PV (see Note 2)	Annualized value
Industry	Removing annual reports	\$454,500	\$454,500	\$454,500	\$3,192,218	\$454,500
Industry	Updating towing requirements	\$10,125	\$10,125	\$10,125	\$71,114	\$10,125
Industry	Adding to equivalent documents	\$386,325	\$386,325	\$386,325	\$2,713,385	\$386,325
Total	Total benefits	\$850,950	\$850,950	\$850,950	\$5,976,717	\$850,950

Table 3: Summary of monetized costs and benefits

Impacts	First year (2023)	Year 6 (2028) (see Note 1)	Final year (2032)	Total PV (see Note 2)	Annualized value
Total costs	\$201,700	\$106,860	\$98,520	\$793,955	\$113,040
Total benefits	\$850,950	\$850,950	\$850,950	\$5,976,717	\$850,950
NET IMPACT (NPV)	\$649,250	\$744,090	\$752,430	\$5,182,762	\$737,910

Note 1: Data on changes to the explosives industry is not available; therefore, it is assumed that costs would remain the same. This may be revised if needed according to comments received during the prepublication period.

Note 2: The Total Present Value (TPV) is calculated over 10 years, using the formula:

$$TPV = \sum_{t=0}^n \frac{c_t}{(1+r)^t}$$

, where c_t is the cost in year t , r_t is the discount rate (7%), and n is the number of years assessed (10).

► Figure Total Present Value (TPV) - Text version

Qualitative impacts

The following is a list of the positive impacts that will be achieved through the proposed amendments:

1. Enhanced public safety from a reduction in total amount and individual container size of unlicensed black powder storage, reducing the potential impact of an accidental propellant powder ignition (all Canadians);

2. Enhanced public safety from reducing the number of reactive targets that can be purchased/stored/mixed, therefore limiting the impact of the misuse of reactive targets (all Canadians);
3. Enhanced public safety associated with enhanced security screening requiring buyers who do not hold a valid fireworks operator certificate — pyrotechnician purchasing propellant to show a PAL (all Canadians);
4. Enhanced policy coherence from the creation of a new class of low hazard novelty fireworks and re-categorization of certain fireworks allowing for the sale of low-risk fireworks throughout the year (benefits apply to roughly 407 vendor magazine licences as well as Canadian users of low hazard fireworks); and
5. Increased policy coherence from increasing the minimum age for explosives work from 17 to 18 (1 021 impacted high-hazard licences).

Sensitivity analysis

The sensitivity analysis exists to test the robustness of a CBA. Two tests were conducted for this CBA. The first was a partial sensitivity analysis, using alternative discount rates to observe the impact of assumptions on the CBA. Higher discount rates erode the NPV of a project. For this sensitivity analysis, two rates were used — 10% and 3%. While the 10% rate reduces the size of the NPV compared to the base case, the NPV remains highly positive, at \$4,524,843. This indicates that the CBA is not highly sensitive to changes in the discount rate, remaining highly positive after more than doubling the discount rate assumption. Intuitively, a lower discount rate of 3% leads to a significantly higher NPV estimate of \$6,311,213.

Table 4: Partial sensitivity analysis

	10% Discount	3% Discount	Baseline (7%)
PV benefits	\$5,228,719	\$7,258,776	\$5,976,717
PV costs	\$703,876	\$947,563	\$793,957
NPV	\$4,524,843	\$6,311,213	\$5,182,760

Table 5: Cost assumptions sensitivity analysis

	Scenario 1	Scenario 2	Scenario 3	Baseline
PV costs	\$930,053	\$2,228,171	\$4,020,940	\$793,955
NPV	\$5,046,664	\$3,748,546	\$1,955,777	\$5,182,762

This subsection has three scenarios that examine the impact of different cost assumptions on the NPV. Scenario 1 changes the cost assumptions for reactive targets and assumes that all additional purchases are now made in person (as opposed to a 50/50 split between in-person and online purchases in the base case). This increases the PV of costs to \$930,053 and lowers the NPV to \$5,046,664. While this is lower than the base case, it is still a highly positive result.

Scenario 2 changes the assumption for the number of screening letters of employment required per licence for approval letters. While the base case assumed two letters per licence, scenario 2 assumes 10 letters per licence. This increases the PV of costs to \$2,228,171 and reduces the NPV to \$3,748,546. Scenario 3 makes the same change, but assumes 20 letters are required per licence, providing a PV of costs of \$4,020,940 and an NPV of \$1,955,777.

In each case, changing the cost assumptions can increase the PV of costs and reduce the NPV, relative to the base case. However, despite these changes, the NPV remains highly positive, providing confidence that the net impact of the

regulatory changes are positive.

Small business lens

The analysis under the small business lens concluded that the proposed amendments would impact small businesses. There are well over 1 000 active business-related licences issued under the Regulations, representing hundreds of different stakeholders, including many small businesses. Consultations included small businesses who provided information on the costs and benefits of the proposed amendments, advising that any costs should be kept lower for small businesses. All businesses (large and small) supported the amendments and did not suggest any further changes.

The proposed amendments can be broken into administrative and compliance costs. The administrative costs pertain to

- the elimination of annual reports (cost saving)
- the towing permission (if the vehicle is undamaged) [cost saving]
- the screening equivalent documents (cost saving)
- the screening letter of employment (cost increase)
- the transportation accident reports (cost increase)
- the two-year record keeping (cost increase)

The compliance costs pertain to

- the reduction in black powder storage (cost increase)
- the requirement for a PAL for propellant powder purchases if the buyer does not hold a fireworks operator certificate — pyrotechnician (cost increase)
- the reduction in reactive targets storage (cost increase)

The Review expects all businesses (including small businesses) to benefit from improved clarity, the reduction of the administrative burden and regulatory streamlining. The frequency with which a business encounters the Regulations is a determining factor in how impacted the business would be from the proposed amendments.

The proposed amendments listed here carry a large net benefit, with benefits per business far exceeding costs per business. Because of this large net benefit and that each regulatory amendment seeks to either reduce costs or enhance public safety, no specific changes were made to the amendments to accommodate small businesses.

Small business lens summary

Number of small businesses impacted: 2 256

Number of years: 10 (2023–2032)

Base year for costing: 2022

Discount rate: 7%

Table 6: Compliance costs

	Annualized value	Present value
Total compliance cost	\$48,427	\$340,129

Table 7: Administrative costs savings

	Annualized value	Present value
Total administrative cost savings	\$512,821	\$3,601,838

Table 8: Net compliance and administrative costs

	Annualized value	Present value
Net cost savings (all impacted small businesses)	\$464,394	\$3,261,708
Net cost savings per impacted small business	\$206	\$1,446

It is estimated that 2 256 small businesses/stakeholders would be impacted by the proposed amendments, with net compliance costs increasing by \$48,427 annually, for a present value of \$340,129 over the next 10 years. Administrative costs are expected to decrease by \$512,821 per year, for a total NPV of \$3,601,838. The total net change results in annual benefits of \$464,394, for a total PV of \$3,261,708. This represents net benefits per business of \$206 annually and a PV of \$1,446 in benefits per business. The small business lens assumed that the proportion of explosives manufacturing facilities in Canada (roughly 66% of all facilities) was indicative of the proportion of stakeholders who would be classified as small businesses, for stakeholder groups where the exact composition of business size was not known.

One-for-one rule

The one-for-one rule applies since there would be an incremental decrease in the administrative burden on businesses, and the proposal is considered burden out under the rule.

The industry was consulted on the proposed amendments and provided information on the costs and cost savings associated with each proposed amendment. No concerns were raised about increased costs, with an overwhelming support for the benefits such as increased safety and the reduced administrative burden, which provide a net cost savings. As described in the “Benefits and costs” section, the increase in incremental administrative costs is linked to the new screening letter of employment, the introduction of

transportation accident reports, and the requirement to keep records for two years rather than submit an annual report. However, the package also removes an administrative burden through three proposed amendments, which include

- eliminating annual reporting requirements under Part 7, and amending annual reporting requirements in Part 13 and Part 20 to only require record keeping rather than report submissions;
- allowing carriers to tow undamaged vehicles transporting explosives to return to the road, without seeking direction from the Minister of Natural Resources; and
- adding to the list of documents accepted as equivalents for security screening purposes the Employee Possessor Clearance issued by the U.S. ATF along with a valid Canadian work permit.

These changes represent a net reduction in the administrative burden of \$301,062 annually, providing a net benefit of \$91.37 per stakeholder/business.

The monetized impacts presented in this section have been expressed in 2012 Canadian dollars (2012 CAN\$) and discounted to a 2012 base year. These calculations are done in compliance with the *Red Tape Reduction Regulations*, which specify the required method for estimating the administrative burden.

Regulatory cooperation and alignment

The proposed amendment to raise the minimum age for hazardous work from 17 to 18 years of age has been introduced to comply with an international convention. In 2016, Canada ratified the ILO's *Minimum Age Convention, 1973*, which states that work that is likely to jeopardize health and safety should not be carried out by individuals who are younger than 18 years of age.

While the regulatory proposal is not part of any existing formal regulatory cooperation initiative, the Review assessed the regulatory regimes of other jurisdictions and aligned where possible to ensure the proposed amendments reflect good regulatory practices. The Review found that, for many regulatory requirements, the Program and the explosives regulatory regime in Canada are the international leader when it comes to regulating the explosives sector.

The regulatory proposal aligns Canadian requirements with different aspects of existing regulations or standards in other jurisdictions such as the following:

- The proposed creation of a new classification of low-risk fireworks is in line with the European Union's Directive from 2013 on the harmonization of the laws of the Member States related to making pyrotechnic articles available on the market. The proposed new type F.5 novelty devices classification aligns with the European Union's F1 classification, which is defined as fireworks that present a very low hazard and negligible noise level and that are intended for use in confined areas, including fireworks that are intended for use inside domestic buildings.
- The U.S. ATF issues Employee Possessor Clearances, which are similar to the approval letters issued by the Minister of Natural Resources under Part 8 of the Regulations. The regulatory proposal includes a new requirement that would add the ATF's Employee Possessor Clearance along with a valid Canadian work permit to the list of equivalent documents.
- The U.S. Public Law 93-639 (1975) allows non-licensees and non-permittees to purchase commercially manufactured black powder in quantities of 50 pounds (22.68 kg). The proposed amendments would reduce the maximum storage amount for black powder from 75 kg to 25 kg, which would more closely align with the U.S. federal regime.

Strategic environmental assessment

In accordance with the *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, a preliminary scan concluded that a strategic environmental assessment is not required.

Gender-based analysis plus

No gender-based analysis plus (GBA+) impacts have been identified for this proposal. There are no expected quantifiable adverse impacts predicted for any groups based on gender, sex, age, language, education, geography, culture, ethnicity, income, ability, sexual orientation or gender identity. The regulatees for this proposal tend to be within the 18- to 65-year-old range, more male than female and are more often in rural areas. Regardless, the proposal does not present a large effect on other distributional issues.

► **Add a comment for the Regulatory analysis section**

Implementation, compliance and enforcement, and service standards

Implementation

The proposed amendments would come into force upon publication in the *Canada Gazette*, Part II. To support implementation, NRCan would update guidance materials as needed and make them available to stakeholders on or before the date of publication in the *Canada Gazette*, Part II. NRCan would notify stakeholders of the changes, provide additional information on the regulatory proposal on the Department's website, and continue to engage closely with stakeholders as needed.

Compliance and enforcement

Compliance and enforcement activities would begin on the coming-into-force date of the proposed Regulations. They may include monitoring compliance through an inspection program, compliance verification and investigation activities based on complaints or identified non-compliance with the Regulations, and education and information sharing through the development of information materials and other compliance promotion activities. NRCan would conduct outreach activities as needed to increase awareness of the proposed new requirements and to assist stakeholders in achieving compliance.

Service standards

The existing service standard for NRCan to make a decision on applications for authorizations of explosives for both specified and indefinite periods is within 40 days from receipt of the complete documentation. NRCan's existing service standard to process applications for Part 8 approval letters for licences, permits and certificates is 30 business days from receipt of the complete documentation and fee payment. These service standards would apply to the proposed amendments to Part 3 for applications for authorizations of explosives for specified periods and to the proposed amendments to Part 8 for approval letters for licences, permits and certificates.

► **Add a comment for the Implementation, compliance and enforcement, and service standards section**

Contact

Susan Archer

Executive Director

Explosives Operations and Regulatory Affairs

Natural Resources Canada

Telephone: 343-572-5742

Email: susan.archer@nrcan-rncan.gc.ca

PROPOSED REGULATORY TEXT

Notice is given that the Governor in Council proposes to make the annexed *Regulations Amending the Explosives Regulations, 2013* under section 5 ^a of the *Explosives Act* ^b.

Interested persons may make representations concerning the proposed Regulations within 30 days after the date of publication of this notice. They are strongly encouraged to use the online commenting feature that is available on the *Canada Gazette* website but if they use email, mail or any other means, the representations should cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be sent to Susan Archer, Executive Director, Explosives Operations and Regulatory Affairs, 588 Booth Street, Ottawa, Ontario K1A 0Y7 ([email: susan.archer@nrcan-rncan.gc.ca](mailto:susan.archer@nrcan-rncan.gc.ca)).

Ottawa, May 18, 2023

Wendy Nixon

Assistant Clerk of the Privy Council

► Add a comment for the PROPOSED REGULATORY TEXT section

Regulations Amending the Explosives Regulations, 2013

Amendments

1 Sections 1 and 2 of the *Explosives Regulations, 2013* ² are replaced by the following:

Overview

1 This Part sets out the scheme and application of these Regulations and exempts some explosives from provisions of the *Explosives Act*. It also defines certain terms that are used in the Regulations, including “explosives”.

2 (1) Subsection 6(1) of the Regulations is amended by striking out “and” at the end of paragraph (b) and by adding the following after paragraph (b):

(b.1) any substance numbered UN 3375, AMMONIUM NITRATE EMULSION, GEL, OR SUSPENSION, intermediate for blasting explosives, as set out in columns 1 and 2 of Schedule 1 to the *Transportation of Dangerous Goods Regulations*; and

(2) Subsection 6(3) of the Regulations is amended by adding the following in alphabetical order:

misfire

means the complete or partial failure of a charge to explode as planned. (*raté*)

3 Section 10 of the Regulations is replaced by the following:

Age restriction

10 (1) Unless otherwise indicated in these Regulations, a person must be at least 18 years old to carry out an activity involving an explosive.

Exceptions

(2) Subsection (1) does not apply to the following persons:

(a) a person who acquires small arms cartridges for their own personal use; or

(b) a person under 18 years old who possesses small arms cartridges or black powder cartouches at a federal, provincial or territorial site that holds a

division 2 factory licence for the purposes of conducting demonstrations or historical re-enactments sanctioned by the federal, provincial or territorial authority for the site.

4 (1) Paragraph 25(h) of the Regulations is replaced by the following:

(h) the importation of an explosive, if the conditions set out in section 45 or 45.1 are met;

(2) Section 25 of the Regulations is amended by striking out “and” at the end of paragraph (i) and by adding the following after paragraph (j):

(k) the transportation of set pieces, that is to say, lattices intended to be fixed to the ground and arrayed with ground-level fireworks that form an image, word or design; and

(l) the transportation of explosives within Canada for the Department of National Defence, the Canadian Armed Forces or any armed forces cooperating with the Canadian Armed Forces, if the following conditions are met:

(i) the explosives have been classified for the purposes of transportation by a competent authority under the *Recommendations on the Transport of Dangerous Goods — Model Regulations*, published by the United Nations, as amended from time to time, and

(ii) the competent authority has been recognized by the Chief Inspector of Explosives as having a transport classification process equivalent to that set out in the *Transportation of Dangerous Goods Regulations*.

5 Paragraph 28(a) of the Regulations is replaced by the following:

(a) the name, address, telephone number and email address of the applicant as well as of the manufacturer if the applicant is not the manufacturer;

6 (1) Paragraph 29(a) of the Regulations is replaced by the following:

(a) the name, address, telephone number and email address of the applicant as well as of the manufacturer if the applicant is not the manufacturer;

(2) Section 29 of the Regulations is amended by striking out “and” at the end of paragraph (o), by adding “and” at the end of paragraph (p) and by adding the following after paragraph (p):

(q) the results of any tests conducted by or on behalf of a foreign state that has authorized the explosive or a similar explosive, or the classification of the explosive by a foreign state.

7 Paragraph 30(a) of the Regulations is replaced by the following:

(a) the name, address, telephone number and email address of the applicant as well as of the manufacturer if the applicant is not the manufacturer;

8 Section 33 of the Regulations is replaced by the following:

Authorization for specified period

33 The Chief Inspector of Explosives must authorize an explosive for a specified period if the Chief Inspector determines, on the basis of the information in the application and the results of one or more of the following tests, that the explosive can be safely manufactured, handled, stored, transported, used and destroyed:

(a) any sample testing; or

(b) a test that was conducted on the explosive or a similar explosive by or on behalf of a foreign state that has authorized the explosive or similar explosive and that the Chief Inspector of Explosives has determined is the equivalent to a test listed in the table to this Part.

9 (1) Paragraph 36(2)(f) of the Regulations is amended by adding the following after subparagraph (iv):

(v) F.5 — novelty devices;

(2) Subsection 36(4) of the Regulations is replaced by the following:

UN number

(4) Each authorized explosive may be assigned a UN number as set out in column 1 of Schedule 1 to the *Transportation of Dangerous Goods Regulations* on the basis of its type, hazard category and the circumstances in which it will be used.

10 The portion of items 5 and 6 of the table to section 45 of the English version of the Regulations in column 1 is replaced by the following:

Item	Column 1 Explosive
5	Percussion caps for small arms cartridges — imported or exported
6	Percussion caps for small arms cartridges — transported in transit

11 The Regulations are amended by adding the following after section 45:

Importation

45.1 A person may import explosives without a permit if the following conditions are met:

- (a)** the explosives have been procured by the Department of National Defence, the Canadian Armed Forces or any armed forces cooperating with the Canadian Armed Forces;
- (b)** the shipper and the carrier have ensured that nothing other than the explosives are transported in the same vehicle;

- (c) the carrier or driver is in possession of an approval letter or equivalent document issued under Part 8;
- (d) the Department of National Defence, the Canadian Armed Forces or any armed forces cooperating with the Canadian Armed Forces has informed the carrier of the transportation requirements under Part 9; and
- (e) the carrier transports the explosives directly from the Canadian port of entry to the Department of National Defence, the Canadian Armed Forces or any armed forces cooperating with the Canadian Armed Forces.

12 Paragraphs 46(1)(a) and (b) of the Regulations are replaced by the following:

- (a) the applicant's name, address, telephone number and email address;
- (b) if the applicant has a customs broker, the broker's name, address, telephone number and email address and the name of a contact person;

13 (1) Paragraph 47(5)(a) of the Regulations is replaced by the following:

- (a) the words "Ammunition/Munitions", "Explosives/Explosifs", "Fireworks/Pièces pyrotechniques", "Pyrotechnics/Pièces pyrotechniques" or "Rocket Motors/Moteurs de fusée", or other descriptive wording, as the case may be, on the outer packaging and any inner packaging;

(2) Paragraph 47(5)(c) of the Regulations is replaced by the following:

- (c) in the case of a type F explosive, whether it is type F.1, F.2, F.3, F.4 or F.5, on the outer packaging; and

(3) Paragraph 47(7)(a) of the Regulations is replaced by the following:

- (a) the holder's name, address, telephone number and email address;

14 (1) Paragraphs 48(a) and (b) of the Regulations are replaced by the following:

- (a) the applicant's name, address, telephone number and email address;
- (b) if the applicant has a freight forwarder, their name, address, telephone number and email address and the name of a contact person;

(2) Paragraph 48(h) of the Regulations is replaced by the following:

- (h) the name, address, telephone number and email address of the person to whom each explosive will be delivered;

15 (1) Paragraph 49(1)(a) of the Regulations is replaced by the following:

- (a) the words "Ammunition/Munitions", "Explosives/Explosifs", "Fireworks/Pièces pyrotechniques", "Pyrotechnics/Pièces pyrotechniques" or "Rocket Motors/Moteurs de fusée", or other descriptive wording, as the case may be, on the outer packaging and any inner packaging;

(2) Paragraph 49(2)(a) of the Regulations is replaced by the following:

- (a) the holder's name, address, telephone number and email address;

16 (1) Paragraphs 50(a) and (b) of the Regulations are replaced by the following:

- (a) the applicant's name, address, telephone number and email address;
- (b) if the applicant has a freight forwarder, their name, address, telephone number and email address and the name of a contact person;

(2) Paragraph 50(l) of the Regulations is replaced by the following:

- (l) the name, address, telephone number and email address of the person to whom each explosive will be delivered;

17 Paragraph 51(3)(a) of the Regulations is replaced by the following:

- (a) the permit holder's name, address, telephone number and email address;

18 (1) Paragraph 60(1)(a) of the Regulations is replaced by the following:

(a) the name, address, telephone number and email address of both the applicant and a contact person;

(2) Paragraph 60(1)(e) of the Regulations is replaced by the following:

(e) the name, address, telephone number and email address of a contact person at the factory or satellite site.

(3) Paragraph 60(4)(a) of the Regulations is replaced by the following:

(a) the name, address, telephone number and email address of a contact person at the client site;

19 (1) Paragraph 74(3)(a) of the Regulations is replaced by the following:

(a) the words "Ammunition/Munitions", "Explosives/Explosifs", "Fireworks/Pièces pyrotechniques", "Pyrotechnics/Pièces pyrotechniques" or "Rocket Motors/Moteurs de fusée", or other descriptive wording, as the case may be, on the outer packaging and any inner packaging;

(2) Paragraph 74(3)(c) of the Regulations is replaced by the following:

(c) in the case of a type F explosive, whether it is type F.1, F.2, F.3, F.4 or F.5, on the outer packaging; and

(3) Subsection 74(4) of the Regulations is replaced by the following:

Information on industrial explosives

(4) The manufacturer's division 1 factory licence number must be printed in a legible and permanent manner on the outer packaging or container of every industrial explosive.

Exception

(5) Subsection (4) does not apply to

- (a) the outer packaging or containers of industrial explosives if the number is contained in a barcode or matrix code that is printed on the packaging or container;
- (b) containers holding industrial explosives in bulk;
- (c) intermediate bulk containers holding industrial explosives in bulk; or
- (d) plastic bags that meet the requirements of UN packaging code 5H1, 5H2, 5H3 or 5H4.

20 (1) The portion of section 81 of the French version of the Regulations before paragraph (a) is replaced by the following:

Compétences des employés

81 Chaque employé à la fabrique ou à un site satellite est, selon le cas :

(2) Paragraph 81(b) of the Regulations is replaced by the following:

- (b) they must be at least 18 years old, participating in the training program referred to in section 82 and under the direct supervision of a competent person.

21 (1) Paragraphs 90(1)(a) and (b) of the Regulations are replaced by the following:

- (a) the product name, UN number and a short description of the explosive;
- (b) if the explosive was acquired, the quantity acquired and the date of acquisition;

(2) Subsection 90(1) of the Regulations is amended by adding the following after paragraph (c):

- (c.1) if the manufactured explosive referred to in paragraph (c) was used at the factory or a satellite site or client site, the quantity used and the date of use;

22 Subsection 94(3) of the Regulations is replaced by the following:**Loaded units to be attended**

(3) A mobile process unit that contains explosives must be attended in person except when it is at the factory or a satellite site or when it is awaiting towing or repair and is secured in an access-controlled mine site or quarry.

23 Paragraph 97(1)(b) of the Regulations is replaced by the following:

(b) a short description of the explosives manufactured;

24 Subsections 98(9) and (10) of the Regulations are replaced by the following:**Maintenance record and work permits**

(9) A maintenance record of all maintenance and repair work done to a mobile process unit, or to any manufacturing equipment in or on the unit whose malfunction could increase the likelihood of an ignition, must be kept for two years after the date on which the last entry is made. The work permits for the maintenance and repair work must also be kept for two years after the date on which the work is completed. The maintenance record and permits must be kept at the factory.

Progressive cavity pump logbook and maintenance record

(10) For each progressive cavity pump, a separate logbook that sets out the operating history of the pump and a separate maintenance record that sets out the maintenance and repair work done to it must be kept at the factory for the life of the pump.

25 Paragraph 104(b) of the Regulations is replaced by the following:

(b) are at least 18 years old, participating in a training program and under the direct supervision of a competent person.

26 Paragraph 109(1)(a) of the Regulations is replaced by the following:

(a) the name, address, telephone number and email address of both the applicant and a contact person;

27 (1) Paragraph 117(2)(a) of the Regulations is replaced by the following:

(a) the words "Ammunition/Munitions", "Explosives/Explosifs", "Fireworks/Pièces pyrotechniques", "Pyrotechnics/Pièces pyrotechniques" or "Reloaded Cartridges/Cartouches rechargées", or other descriptive wording, as the case may be, on the outer packaging and any inner packaging;

(2) Paragraph 117(2)(c) of the Regulations is replaced by the following:

(c) in the case of a type F explosive, whether it is type F.1, F.2, F.3, F.4 or F.5, on the outer packaging; and

28 Paragraph 122(1)(b) of the Regulations is replaced by the following:

(b) they are at least 18 years old, participating in a training program and under the direct supervision of a competent person.

29 (1) Paragraphs 127(a) and (b) of the Regulations are replaced by the following:

(a) the product name, UN number and a short description of the explosive;

(b) if the explosive was acquired, the quantity acquired and the date of acquisition;

(2) Section 127 of the Regulations is amended by adding the following after paragraph (c):

(c.1) if the manufactured explosive referred to in paragraph (c) was used at the workplace, the quantity used and the date of use;

30 Paragraph 132(1)(b) of the Regulations is replaced by the following:

(b) they are at least 18 years old, participating in a training program and under the direct supervision of a competent person.

31 (1) Subsection 138(1) of the Regulations is replaced by the following:

Multi-ingredient kits

138 (1) A person may mix together the ingredients of a multi-ingredient kit if they comply with subsection (2) and if the kit is not a reactive target.

(2) Paragraph 138(2)(e) of the Regulations is replaced by the following:

(e) if the explosive to be manufactured is a special purpose explosive, the person mixing the ingredients must hold a fireworks operator certificate — pyrotechnician or a Firearms Possession and Acquisition Licence issued under the *Firearms Act*.

32 The Regulations are amended by adding the following after section 138:

Reactive targets

138.1 (1) A person may mix together the ingredients of a reactive target kit if they comply with subsection (2).

Requirements

(2) The person who carries out the activity must ensure that the following requirements are met:

- (a) the reactive target kit must be on the list of authorized explosives referred to in subsection 41(1);
- (b) the mixing must be carried out at the place where the explosive to be manufactured will be used;
- (c) precautions that minimize the likelihood of an ignition must be taken;

- (d) the person mixing the ingredients must hold a Firearms Possession and Acquisition Licence issued under the *Firearms Act*;
- (e) the instructions displayed on the packaging for mixing the ingredients must be followed and if there are no such instructions, the ingredients in the reactive target kit must not be mixed or used;
- (f) foreign matter must not be added to the reactive target kit when mixing the ingredients or before use;
- (g) only one reactive target kit must be mixed at a time;
- (h) a reactive target kit may not be combined with other reactive target kits or foreign matter; and
- (i) once mixed, a reactive target kit must not be stored or transported.

33 (1) Subsection 140(1) of the Regulations is replaced by the following:

Emergency response assistance plan

140 (1) A person may pump explosives numbered UN 0332, as classified by the Chief Inspector of Explosives under the *Explosives Act*, and explosives numbered UN 3375 in activating an emergency response assistance plan approved by the Minister of Transport under the *Transportation of Dangerous Goods Act, 1992* if they comply with subsection (2).

(2) Paragraph 140(2)(b) of the Regulations is replaced by the following:

- (b) a pump that is safe for pumping the explosives must be used;

(3) Paragraph 140(2)(d) of the Regulations is replaced by the following:

- (d) a copy of the follow-up report that is required under Part 8 of the *Transportation of Dangerous Goods Regulations* must be submitted to the Chief Inspector of Explosives within 30 days after the date on which the explosives are pumped.

34 Subsection 141(1) of the French version of the Regulations is replaced by the following:

Explosifs industriels

141 (1) Toute personne qui se conforme au paragraphe (2) peut détruire des explosifs industriels détériorés, périmés ou ayant eu des ratés en les plaçant dans des trous de sautage avec d'autres explosifs et en allumant ces derniers.

35 (1) Paragraph 145(1)(a) of the Regulations is replaced by the following:

(a) the name, address, telephone number and email address of both the applicant and a contact person;

(2) Subsection 145(7) of the Regulations is replaced by the following:

Identifiant

(7) Every magazine and vulnerable place that is shown on a site plan must be identified by a number, letter or distinctive name, which must be used to identify the magazine or vulnerable place on the site plan and in the site description. The identifier of the magazine must be posted on the exterior of the magazine.

36 (1) Subsections 150(1) and (2) of the French version of the Regulations are replaced by the following:

Empilage

150 (1) Les paquets et les contenants d'explosifs sont empilés de manière à ne pas se renverser, s'effondrer, se déformer, se déchirer ou s'écraser. La hauteur de la pile ne dépasse pas la ligne d'empilage prévue pour la poudrière.

Utilisation interdite des paquets

(2) Les paquets et les contenants d'explosifs ne peuvent servir de support à des convoyeurs ou à des rampes.

(2) Subsection 150(4) of the Regulations is replaced by the following:**Opening packages**

(4) Packages or containers that are made from wood or have metal fasteners or strapping must not be opened in a magazine. Other packages or containers may be opened in a magazine for inspection or to remove explosives, but not more than two packages or containers at a time.

(3) Subsection 150(5) of the French version of the Regulations is replaced by the following:**Paquets ouverts**

(5) Les paquets ou les contenants d'explosifs qui sont ouverts à l'extérieur de la poudrière sont, avant d'y être placés, propres, secs et exempts de petites matières abrasives et de toute autre contamination.

37 Paragraph 152(e) of the French version of the Regulations is replaced by the following:

e) ouvrir un paquet ou un contenant d'explosifs pour en mettre à nu la matière explosive;

38 Paragraph 162(1)(a) of the Regulations is replaced by the following:

(a) the name, address, telephone and cellphone number and email address of both the licence holder and a contact person;

39 Section 164 of the Regulations is replaced by the following:**Overview**

164 This Part sets out certain terms and conditions that apply to holders of the documents (licences, permits and certificates) issued by the Minister under section 7 of the *Explosives Act*, and the grounds upon which the Minister may

refuse to issue them. It also sets out the procedures for changing or renewing these documents and provides for their suspension and cancellation.

Refusal to Issue

Refusal of Minister

164.1 The Minister may, by written notice giving reasons, refuse to issue a licence, permit or certificate if the Minister has reasonable grounds to believe that issuing the licence, permit or certificate would constitute a risk to the safety and security of persons.

40 Section 170 of the Regulations is repealed.

41 (1) Paragraph 172(1)(a) of the Regulations is replaced by the following:

(a) the name, address, telephone number and email address of both the applicant and a contact person;

(2) Paragraph 172(2)(a) of the Regulations is replaced by the following:

(a) the name, address, telephone number and email address of both the applicant and a contact person; and

42 The Regulations are amended by adding the following after section 173:

Cancellation by Minister

173.1 The Minister may, by written notice giving reasons, cancel a licence, permit or certificate if the Minister has reasonable grounds to believe that the holder of the licence, permit or certificate no longer meets the conditions of the approval letter or equivalent document or if the Minister has reasonable grounds to believe that the activities subject to the licence, permit or certificate would constitute a risk to the safety and security of persons.

43 (1) The portion of the definition *equivalent document* in subsection 175(1) of the Regulations before paragraph (a) is replaced by the following:

equivalent document

means a security clearance, issued by a competent authority, that has not expired or been suspended or withdrawn, including

(2) The definition *equivalent document* in subsection 175(1) of the Regulations is amended by striking out “or” at the end of paragraph (d), by adding “or” at the end of paragraph (e) and by adding the following after paragraph (e):

(f) an Employee Possessor Clearance issued by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives if the employee holds a valid Canadian work permit. (*document équivalent*)

44 Subsection 179(2) of the Regulations is replaced by the following:

Exception — supervised person

(2) Subsection (1) does not apply in respect of a person who does not hold an equivalent document, has applied for an approval letter and is still waiting for a response if, when they have access to a high hazard explosive, they are at all times under the direct supervision of another person who has an approval letter or equivalent document.

45 (1) Subsection 182(1) of the Regulations is amended by striking out “and” at the end of paragraph (b) and by replacing paragraph (c) with the following:

(c) if the applicant is employed by or is a director of a holder of a licence, permit or certificate, the holder’s name, address, telephone number and email address and, if applicable, the name of the applicant’s supervisor; and

(d) if the applicant resides outside of Canada, a letter from the applicant's employer in Canada confirming the work to be done and supporting the application.

(2) Subsection 182(2) of the Regulations is replaced by the following:

Criminal record check

(2) The application must include the original or a certified copy of a criminal record check carried out on the applicant within one year before the date on which the application is received by the Minister, or if the applicant resides outside of Canada, a certified police certificate from their country of origin dated not more than one year before the date on which the application is received by the Minister or a valid Canadian work permit.

Additional information

(3) The Chief Inspector of Explosives may request that a person who has submitted an application for an approval letter provide any additional information or any document that is necessary to enable the Minister to determine whether to issue the approval letter.

46 (1) The portion of paragraph 183(2)(b) of the Regulations before subparagraph (i) is replaced by the following:

(b) the applicant has, within the five years before the date on which the application was received by the Minister, been convicted of any of the following offences in Canada or equivalent offences committed outside of Canada:

(2) Section 183 of the Regulations is amended by adding the following after subsection (2):

Other grounds of refusal

(2.1) The Minister must refuse to issue an approval letter and must give the applicant written notice giving reasons of the refusal if

(a) the applicant has made a false or misleading statement in the application; or

(b) the Minister has reasonable grounds to believe that issuing the approval letter for the licence, permit or certificate mentioned in the application would constitute a risk to the safety or security of persons.

(3) Subsection 183(3) of the French version of the Regulations is replaced by the following:

Demande de révision

(3) Le demandeur peut, dans les trente jours suivant la date de réception de l'avis de refus, faire parvenir par écrit au ministre des renseignements ou des documents qui démontrent que les renseignements sur lesquels se fonde le refus sont inexacts.

47 The Regulations are amended by adding the following after section 183:

Cancellation

183.1 (1) The Minister may by written notice with reasons cancel the approval letter referred to in section 182 if one of the circumstances referred to in paragraph 183(2)(a) or (b) applies to the holder of the letter or on either grounds referred to in subsection 183(2.1).

Additional information

(2) The Chief Inspector of Explosives may request that a person who has submitted an application for an approval letter provide any additional information or any document that is necessary to enable the Minister to determine whether to cancel the approval letter.

48 Paragraph 185(2)(a) of the Regulations is replaced by the following:

(a) the name, address, telephone number and email address of both the holder and a contact person;

49 Section 186 of the Regulations is replaced by the following:**Overview**

186 This Part sets out the requirements for transporting explosives, including in transit transportation and the loading and unloading of explosives, that must be met by shippers, carriers and drivers. When certain explosives are to be shipped, the requirements of section 190 apply. In all other cases, the requirements of sections 191 to 201 (dealing with transportation by vehicle) and sections 202 to 203.1 (dealing with transportation by other means) apply.

50 Subsection 190(2) of the English version of the Regulations is replaced by the following:**Requirements**

(2) Despite subsection (1), the carrier and driver must ensure that the explosives are transported in packaging or a container that is designed, constructed, filled, closed, secured and maintained so that under normal conditions of transport the likelihood of an ignition is minimized.

51 (1) Paragraph 191(1)(a) of the Regulations is replaced by the following:

(a) is either an intermodal container or is fully enclosed and fire resistant and is constructed of or is lined with a non-sparking material and does not increase the likelihood of an ignition; and

(2) Subsection 191(3) of the Regulations is amended by striking out “or” at the end of paragraph (a) and by adding the following after paragraph (b):

(c) the Minister or a police officer directs that the vehicle be towed because of an emergency or a breakdown;

(d) it is for the purposes of returning the vehicle to the road and the following requirements are met:

(i) there is no evidence of theft, attempted theft or loss of an explosive,

(ii) there is no evidence of a fire, spill or accidental explosion,

(iii) there is no evidence of an injury or death,

(iv) there is no evidence of accidental property or vehicle damage,

(v) there is no evidence of a release or anticipated release of explosives, and

(vi) after the vehicle has been towed to the road, the driver conducts an inspection to verify that the vehicle continues to meet the safety and roadworthiness requirements of this Part and to confirm that the explosives remain undamaged; or

(e) the explosives are classified as UN 3375 and are in a *road vehicle*, as defined in section 1.4 of the *Transportation of Dangerous Goods Regulations*, and no more than two drawn road vehicles are used in a road train.

(3) Subsection 191(4) of the Regulations is replaced by the following:

Oversized load

(4) If an explosive article or equipment that is contaminated with an explosive substance is too large to be contained in a fully enclosed portion of a vehicle or an intermodal container, the article or equipment may be transported on a flatbed if the carrier obtains a permit to do so issued by the Minister under paragraph 7(1)(b) of the *Explosives Act*. The carrier and the driver must ensure that the article or equipment is secured to the flatbed and, if feasible, covered.

(4) Paragraph 191(5)(a) of the Regulations is replaced by the following:

(a) the applicant's name, address, telephone number and email address;

(5) Subsections 191(6) and (7) of the Regulations are replaced by the following:**Exception**

(5.1) Subsections (1), (2) and (4) do not apply to jet perforating guns if they

(a) are transported in a motor vehicle or fifth-wheel trailer that is equipped with racks, carrying cases or devices that are designed and constructed to ensure that the jet perforating guns remain securely held in place during transport;

(b) are protected from damage during transport;

(c) do not extend beyond the body of the motor vehicle or the bed of the fifth-wheel trailer; and

(d) are transported in a manner that protects them from theft.

Requirement — material

(6) If a part of a portion of the vehicle that will contain explosives could come into contact with the explosives or their packaging during transport and if that part consists of a material that could increase the likelihood of an ignition if contact were to occur, the carrier must ensure that the part is covered with material that will prevent the contact from occurring.

(6) Subsections 191 (9) to (12) of the Regulations are replaced by the following:**Dangerous goods marks**

(12) The carrier and the driver must ensure that any dangerous goods marks that are required by the *Transportation of Dangerous Goods Regulations* to be displayed when the vehicle is transporting explosives on a public highway are also displayed when the vehicle contains explosives and is not on a public highway.

52 Paragraph 192(4)(a) of the Regulations is replaced by the following:

(a) the applicant's name, address, telephone number and email address;

53 Subsection 193(1) of the Regulations is replaced by the following:

Sound mechanical condition

193 (1) The carrier must ensure that the following requirements are met:

(a) the vehicle to be used to transport explosives is in sound mechanical condition and capable of safely transporting explosives, meaning that any dangers including those related to gasoline engines, heaters and lights, refrigeration and climate control systems and hot components of the exhaust system have been addressed; and

(b) the vehicle is fuelled, the oil level and tire pressure are checked and all required servicing of the vehicle is carried out before the loading of explosives begins.

54 Subsection 194(3) of the Regulations is repealed.

55 (1) Subsection 196(5) of the Regulations is replaced by the following:

No stopping en route

(5) The driver of a vehicle transporting explosives must not stop en route unnecessarily. If a stop is necessary, the driver must stop for no longer than required under the circumstances and must park the vehicle away from any place where there is an open flame, match or any other thing that could increase

the likelihood of an ignition, and, in order to ensure that the risk of harm to people and property is as low as reasonably practicable, the driver must park the vehicle away from:

- (a) any dwelling;
- (b) any place where flammable substances, including but not limited to gasoline pumps, propane tanks or above-ground storage tanks for flammable liquid or flammable gas, are stored; and
- (c) any area where people are likely to gather.

Exception

(5.1) Despite subsection (5), a vehicle transporting no more than 25 kg of high explosives (type E) and no more than 100 detonators (type I), may be parked if the following requirements are met:

- (a) no other item or substance that could increase the likelihood of an ignition is in the vehicle;
- (b) the vehicle is parked in a place where there is no open flame, match or any other thing that could increase the likelihood of an ignition; and
- (c) the vehicle is parked at least 30 m from any dwelling, railway line or public highway and from any place where flammable substances, including gasoline pumps, propane tanks or above-ground storage tanks for a flammable liquid or flammable gas, are stored.

(2) Subsection 196(9) of the Regulations is repealed.

56 (1) Subsection 198(1) of the Regulations is replaced by the following:

Tracking and communication system

198 (1) If a vehicle — other than a vehicle in which a manufacturing operation may be carried out and that remains on a mine site or quarry while transporting explosives referred to in subsection (2) — is used to transport 1 000 or more detonators or at least 2 000 kg of explosives referred to in subsection (2), the carrier must ensure that it is equipped with a tracking and communication system.

(2) Paragraph 198(2)(a) of the Regulations is replaced by the following:

(a) Division 1.1, 1.2 or 1.3;

(3) The portion of paragraph 198(2)(b) of the Regulations before subparagraph (i) is replaced by the following:

(b) Division 1.4 with one of the following UN numbers:

(4) Subsection 198(2) of the Regulations is amended by striking out “or” at the end of subparagraph 198(2)(b)(xiii) and by adding the following after paragraph (b):

(c) Division 1.5 or 1.6; or

(d) Division 5.1, for explosives numbered UN 3375 AMMONIUM NITRATE EMULSION, GEL, OR SUSPENSION.

57 (1) Subsections 199(1) and (2) of the Regulations are replaced by the following:

Vehicle attended

199 (1) The carrier and the driver of a vehicle that contains explosives must ensure that it is attended in person when it is not at a factory or satellite site.

Exception

(2) Despite subsection (1), up to 25 kg of high explosives (type E) and up to 100 detonators (type I) may be left unattended in a vehicle if the requirements set out in subsections 196(5) or (5.1) have been met and if

(a) the explosives have been removed from a factory magazine or licensed magazine for a specific purpose set out in their authorization;

(b) the explosives are stored in a storage unit that has been serviced at a factory or licensed magazine and is bolted or welded to the vehicle or, if the explosives are jet perforating guns, the guns are securely locked to the vehicle; and

(c) a device or system is in place to ensure that the vehicle is immobilized and that the driver is alerted by an alarm if an attempt is made to steal the explosives, tamper with the storage unit or tamper with or steal the vehicle.

(2) Section 199 of the Regulations is amended by adding the following after subsection (3):

Electronic monitoring

(4) A vehicle containing explosives may be attended by a person using electronic means if the following requirements are met:

(a) the vehicle, including the portion of the vehicle containing explosives, is locked;

(b) the vehicle is parked in a secure, access-controlled location;

(c) the vehicle, including the portion of the vehicle containing explosives, is under video surveillance;

(d) the vehicle has a device or system to ensure that the vehicle is immobilized and that the driver and carrier are alerted by an alarm if an attempt is made to steal the explosives or tamper with or steal the vehicle; and

(e) in the case of an emergency, the driver or carrier must contact the appropriate authorities as soon as feasible.

58 Sections 200 and 201 of the Regulations are replaced by the following:

Accidents and incidents

201 (1) The driver of a vehicle that contains explosives must, as soon as the circumstances permit,

- (a) notify the shipper and the carrier if the vehicle is delayed for any reason, including road conditions or mechanical issues; and
- (b) notify the police, the shipper and the carrier if the vehicle is involved in a road accident or incident that results in
 - (i) the theft, attempted theft or loss of an explosive,
 - (ii) a fire, release, anticipated release or accidental explosion,
 - (iii) an injury or death, or
 - (iv) any accidental property or vehicle damage.

Report

(2) In the event of an accident or incident referred to in paragraph (1)(b), the carrier must, as soon as the circumstances permit,

- (a) report the accident or incident to an inspector;
- (b) ensure that any damaged explosives are transported to any location that the Minister designates;
- (c) ensure that any undamaged explosives are transported to their destination or to a safe and secure location; and
- (d) provide the Chief Inspector of Explosives with a written report about the accident or incident that includes the likely cause of the accident or incident

and the steps that the carrier will take to prevent a recurrence of an accident or incident of that nature .

59 (1) Subsection 217(1) of the Regulations is replaced by the following:

Sale — authorized buyer

217 (1) A seller may sell industrial explosives only to a buyer who holds a licence or a manufacturing certificate or who is authorized by a competent provincial or territorial authority to use, keep or store industrial explosives at a mine site or quarry.

(2) Section 217 of the Regulations is amended by adding the following after subsection (2):

Exception

(3) Subsection (2) does not apply to explosives in bulk that are loaded into prepared boreholes.

60 (1) The portion of subsection 218(1) of the French version of the Regulations before paragraph (a) is replaced by the following:

Inscriptions sur l’emballage

218 (1) Le vendeur inscrit le numéro de la licence, du certificat de fabrication ou de l’autorisation provinciale ou territoriale de l’acheteur de manière claire et indélébile :

(2) Paragraphs 218(1)(a) and (b) of the Regulations are replaced by the following:

(a) on the outer packaging or container of the industrial explosives if the outer packaging or container is sealed; or

(b) on the inner packaging of each industrial explosive or on each reel of detonating cord if the outer packaging or container is not sealed.

(3) Paragraphs 218(2)(a) to (d) of the Regulations are replaced by the following:

- (a)** the outer packaging or containers of industrial explosives if the number is contained in a barcode or matrix code that is printed on the packaging or container;
- (b)** containers holding industrial explosives in bulk;
- (c)** intermediate bulk containers holding industrial explosives in bulk; or
- (d)** plastic bags that meet the requirements of UN packaging codes 5H1, 5H2, 5H3 or 5H4.

61 Paragraph 219(a) of the French version of the Regulations is replaced by the following:

- a)** les nom et adresse de l'acheteur;

62 (1) Paragraph 220(1)(b) of the Regulations is replaced by the following:

- (b)** except in the case of a container holding industrial explosives in bulk, it contains no explosive residue;

(2) Subsection 220(4) of the Regulations is re-placed by the following:

Exception

- (4)** Subsection (3) does not apply to containers holding explosives in bulk.

63 Sections 221 and 222 of the Regulations are replaced by the following:

Acquisition

221 A user may acquire and store industrial explosives if they hold a licence or a manufacturing certificate or are authorized by a competent provincial or territorial authority to use, keep or store such explosives at a mine site or quarry. A user who acquires industrial explosives must comply with this Part.

Information on packaging

221.1 (1) A user who holds a magazine licence and imports industrial explosives must mark the number of the buyer's licence, manufacturing certificate or provincial or territorial authorization in a clear and permanent manner

(a) on the outer packaging or container of the explosives if the outer packaging or container is sealed; or

(b) on the inner packaging of each explosive or each reel of detonating cord if the outer packaging or container is not sealed.

Exceptions

(2) Subsection (1) does not apply to

(a) the outer packaging or containers of explosives if the number is contained in a barcode or matrix code that is printed on the packaging or container;

(b) containers holding explosives in bulk;

(c) intermediate bulk containers holding explosives in bulk; or

(d) plastic bags that meet the requirements of UN packaging codes 5H1, 5H2, 5H3 or 5H4.

Information on packaging — acquisition

222 (1) A user who acquires industrial explosives that are in sealed outer packaging or a sealed container must, after opening the packaging or container, mark the number of their licence, manufacturing certificate or provincial or territorial authorization in a clear and permanent manner on the inner packaging of each explosive or on each reel of detonating cord.

Information on packaging — importation

(2) A user who imports industrial explosives must mark the number of their licence, manufacturing certificate or provincial or territorial authorization in a clear and permanent manner

(a) on the outer packaging or container of the explosives if the outer packaging or container is sealed; or

(b) on the inner packaging of each explosive or on each reel of detonating cord if the outer packaging or container is not sealed.

Exception

(3) Subsections (1) and (2) do not apply to

(a) the outer packaging or containers of industrial explosives if the number of the licence is contained in a barcode or matrix code that is printed on the packaging or container;

(b) containers holding industrial explosives in bulk;

(c) intermediate bulk containers holding industrial explosives in bulk; or

(d) plastic bags that meet the requirements of UN packaging codes 5H1, 5H2, 5H3 or 5H4.

64 (1) Paragraph 224(1)(b) of the Regulations is replaced by the following:

(b) except in the case of a container holding industrial explosives in bulk, it contains no explosive residue;

(2) Subsection 224(4) of the Regulations is replaced by the following:

Exception — subsections (1) and (2)

(4) Subsections (1) and (2) do not apply to

(a) the outer packaging or containers of industrial explosives if the number is contained in a barcode or matrix code that is printed on the packaging or container;

- (b) containers holding industrial explosives in bulk;
- (c) intermediate bulk containers holding industrial explosives in bulk; or
- (d) plastic bags that meet the requirements of UN packaging codes 5H1, 5H2, 5H3 or 5H4.

Exception — subsection (3)

(5) Subsection (3) does not apply to intermediate bulk containers holding industrial explosives in bulk or containers holding industrial explosives in bulk.

65 Section 227 of the Regulations is replaced by the following:

Distributor and retailer

227 A distributor or retailer may acquire, store and sell blank cartridges for tools. A distributor or retailer who acquires blank cartridges for tools must comply with this Division.

66 Section 228 of the Regulations is replaced by the following:

Seller

228 A seller must store their blank cartridges for tools in a sales establishment and must ensure that the requirements of sections 229 to 231 are met.

67 Paragraphs 231(2)(a) to (k) of the Regulations are replaced by the following:

- (a) the storage unit must be located away from flammable substances and sources of ignition;
- (b) the interior of the storage unit must be kept clean and dry;
- (c) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (d) the storage unit must be attended when it is unlocked;

- (e) if the storage unit is a container, it must not impede exit in case of fire;
- (f) if the storage unit is not a container, all exits must be kept unobstructed;
- (g) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (h) if propellant powder, percussion caps, small arms cartridges, unmixed reactive targets or black powder cartouches are stored with blank cartridges for tools in the storage unit, they must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);
- (i) precautions that minimize the likelihood of an ignition or fire in or near the storage unit must be taken; and
- (j) a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

68 Section 232 of the Regulations is repealed.

69 Sections 234 and 235 of the Regulations are replaced by the following:

Acquisition

234 A user may acquire and store blank cartridges for tools. A user who acquires or stores blank cartridges for tools must comply with this Division.

Storage

235 A user must store their blank cartridges for tools in a dwelling or a storage unit and must ensure that the storage requirements of section 237 are met.

70 Paragraphs 237(2)(a) to (k) of the Regulations are replaced by the following:

- (a) the storage unit must be located away from flammable substances and sources of ignition;
- (b) the interior of the storage unit must be kept clean and dry;
- (c) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (d) the storage unit must be attended when it is unlocked;
- (e) if the storage unit is a container, it must not impede exit in case of fire;
- (f) if the storage unit is not a container, all exits must be kept unobstructed;
- (g) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (h) if propellant powder, percussion caps, small arms cartridges, unmixed reactive targets or black powder cartouches are stored with blank cartridges for tools in the storage unit, they must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);
- (i) precautions that minimize the likelihood of an ignition or fire in or near the storage unit must be taken; and
- (j) a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

71 Section 261 of the Regulations is amended by striking out “and” at the end of paragraph (d), by adding “and” at the end of paragraph (e) and by adding the following after paragraph (e):

- (f) the number of the buyer’s Firearms Possession and Acquisition Licence issued under the *Firearms Act*.

72 The Regulations are amended by adding the following after section 262:

Acquisition — reactive targets

262.1 A user who acquires a reactive target must hold a Firearms Possession and Acquisition Licence issued under the *Firearms Act*.

Selling — reactive targets

262.2 A seller may sell reactive targets only to a user who holds a Firearms Possession and Acquisition Licence issued under the *Firearms Act*.

73 Section 264 of the Regulations is replaced by the following:

Maximum quantity

264 (1) No more than 20 kg of high-hazard special purpose explosives other than reactive targets may be stored at any one time.

Reactive targets

(2) No more than 5 kg of reactive targets may be stored at any one time.

74 Paragraphs 265(a) to (k) of the Regulations are replaced by the following:

- (a)** the storage unit must be located away from flammable substances and sources of ignition;
- (b)** the interior of the storage unit must be kept clean and dry;
- (c)** the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (d)** the storage unit must be attended when it is unlocked;
- (e)** if the storage unit is a container, it must not impede exit in case of fire;
- (f)** if the storage unit is not a container, all exits must be kept unobstructed;

- (g)** any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (h)** if propellant powder, percussion caps, blank cartridges for tools, small arms cartridges, unmixed reactive targets or black powder cartouches are stored together in the storage unit, they must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);
- (i)** unless the special purpose explosives consist exclusively of unmixed reactive targets, nothing other than special purpose explosives may be stored in the storage unit;
- (j)** precautions that minimize the likelihood of an ignition or fire in or near the storage unit must be taken; and
- (k)** a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

75 Subsection 266(4) of the Regulations is replaced by the following:

Record

(4) If any expired marine flares are returned during a calendar year, the distributor must keep for two years after the date of the return, a record that sets out the number of each type, whether type S.1 or S.2, that were returned and the number of each type that were destroyed.

76 Section 267 of the English version of the Regulations is replaced by the following:

Overview

267 This Part authorizes the acquisition, storage and sale of small arms cartridges and the manufacture of small arms cartridges and black powder cartouches. Division 1 sets out the rules for sellers and users of commercially manufactured small arms cartridges (type C.1). It also sets out rules for storing small arms cartridges that are manufactured under Division 2. Division 2 sets out the rules for sellers and users of propellant powder (type P) and percussion caps and primers (type C.3) and for manufacturers of small arms cartridges and black powder cartouches.

77 Paragraphs 275(2)(a) to (i) of the Regulations are replaced by the following:

- (a)** the storage unit must be located away from flammable substances and sources of ignition;
- (b)** the interior of the storage unit must be kept clean and dry;
- (c)** the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (d)** the storage unit must be attended when it is unlocked;
- (e)** if the storage unit is a container, it must not impede exit in case of fire;
- (f)** if the storage unit is not a container, all exits must be kept unobstructed;
- (g)** any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (h)** if propellant powder, percussion caps, blank cartridges for tools, unmixed reactive targets or black powder cartouches are stored with small arms cartridges in the storage unit, they must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);
- (i)** precautions that minimize the likelihood of an ignition or fire in or near the storage unit must be taken; and

(j) a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

78 Paragraphs 281(2)(a) to (l) of the Regulations are replaced by the following:

- (a)** the storage unit must be located away from flammable substances and sources of ignition;
- (b)** the interior of the storage unit must be kept clean and dry;
- (c)** the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (d)** the storage unit must be attended when it is unlocked;
- (e)** if the storage unit is a container, it must not impede exit in case of fire;
- (f)** if the storage unit is not a container, all exits must be kept unobstructed;
- (g)** any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (h)** if propellant powder, percussion caps, blank cartridges for tools, unmixed reactive targets or black powder cartouches are stored with small arms cartridges in the storage unit, they must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);
- (i)** precautions that minimize the likelihood of an ignition or a fire in or near the storage unit must be taken; and
- (j)** a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

79 Subsection 282(2) of the Regulations is replaced by the following:**Propellant powder**

(2) A reference in this Division to a mass of propellant powder does not include propellant powder that is in a small arms cartridge, percussion cap or primer.

80 Subsection 284(1) of the Regulations is replaced by the following:**Licensed seller**

284 (1) A seller who holds a licence must store their propellant powder and percussion caps in the magazine specified in their licence and ensure that the requirements of section 286 are met.

81 The Regulations are amended by adding the following after section 286:**Original packaging**

286.1 A seller may sell percussion caps only if they are in their original packaging.

82 (1) Section 287 of the Regulations is amended by adding the following after subsection (2):**Original container**

(2.1) Black powder and smokeless powder must be stored in their original containers. No more than 500 g of black powder may be stored in a container.

(2) Paragraph 287(5)(a) of the Regulations is replaced by the following:

(a) 1 kg, with no more than 500 g of black powder per container, if the black powder is in original containers; or

(3) Subsection 287(6) of the Regulations is replaced by the following:**Detached storage unit**

(6) The maximum quantity of black powder and smokeless powder that may be stored at any one time in storage units that are not attached to a dwelling, whether in a single unit or in several, is 25 kg and 75 kg, respectively.

83 Paragraphs 288(2)(a) to (l) of the Regulations are replaced by the following:

- (a)** the storage unit must be located away from flammable substances and sources of ignition;
- (b)** the interior of the storage unit must be kept clean and dry;
- (c)** the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (d)** the storage unit must be attended when it is unlocked;
- (e)** if the storage unit is a container, it must not impede exit in case of fire;
- (f)** if the storage unit is not a container, all exits must be kept unobstructed;
- (g)** any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (h)** if small arms cartridges, blank cartridges for tools, unmixed reactive targets or black powder cartouches are stored with propellant powder or percussion caps in the storage unit, they must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);
- (i)** precautions that minimize the likelihood of an ignition or fire in or near the storage unit must be taken; and
- (j)** a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

84 Sections 290 and 291 of the Regulations are replaced by the following:**Notification of Chief Inspector**

290 A retailer who does not hold a licence must, before beginning to sell propellant powder, send the Chief Inspector of Explosives a written notice that sets out their name, address, telephone number and email address and the date on which they will begin to sell. If such a retailer stops selling propellant powder, they must send the Chief Inspector a written notice to that effect as soon as the circumstances permit.

85 The portion of subsection 294(1) of the Regulations before paragraph (a) is replaced by the following:**Identification**

294 (1) Before selling propellant powder to a buyer, the seller must require the buyer to provide their valid fireworks operator certificate — pyrotechnician or Firearms Possession and Acquisition Licence issued under the *Firearms Act* and to establish their identity by providing

86 (1) Paragraph 295(a) of the Regulations is replaced by the following:

(a) the buyer's name and if applicable, the number of the licence issued to them under the *Firearms Act*;

(2) Section 295 of the Regulations is amended by adding the following after paragraph (b):

(b.1) the number and expiry date of the buyer's fireworks operator certificate — pyrotechnician, if applicable;

87 Subsection 297(1) of the Regulations is replaced by the following:**Licensed user**

297 (1) A user who holds a licence must store their propellant powder and black powder cartouches in the magazine specified in their licence.

88 Subsection 299(3) of the Regulations is replaced by the following:

Black powder

(3) Black powder must be stored in its original container with no more than 500 g of black powder per container, in small arms cartridges or in black powder cartouches.

89 Section 303 of the Regulations is replaced by the following:

Detached storage unit

303 The maximum quantity of black powder or smokeless powder that may be stored at any one time in storage units that are not attached to a dwelling, whether in a single unit or in several, is 25 kg and 75 kg, respectively.

90 Paragraphs 304(2)(a) to (l) of the Regulations are replaced by the following:

- (a)** the storage unit must be located away from flammable substances and sources of ignition;
- (b)** the interior of the storage unit must be kept clean and dry;
- (c)** the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (d)** the storage unit must be attended when it is unlocked;
- (e)** if the storage unit is a container, it must not impede exit in case of fire;
- (f)** if the storage unit is not a container, all exits must be kept unobstructed;
- (g)** any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);

- (h) if small arms cartridges, blank cartridges for tools or unmixed reactive targets are stored with propellant powder, percussion caps or black powder cartouches in the storage unit, they must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);
- (i) precautions that minimize the likelihood of ignition or fire in or near the storage unit must be taken; and
- (j) a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

91 The definition *trousse de rechargement* in subsection 307(1) of the French version of the Regulations is replaced by the following:

trousse de rechargement

Paquet qui contient du propergol solide et d’autres composants conçus pour être utilisés dans un moteur de fusée rechargeable. (*reloading kit*)

92 Section 334 of the Regulations and the heading “Consumer Fireworks” before it are replaced by the following:

► Add a comment for the Amendments section

Consumer Fireworks and Novelty Devices

Overview

334 This Part authorizes the acquisition, storage and sale of consumer fireworks (type F.1) and novelty devices (type F.5) and regulates their use. Division 1 sets out rules for sellers and Division 2 sets out rules for users.

93 (1) The definitions *distributor*, *licence*, *retailer* and *user* in subsection 335(1) of the Regulations are replaced by the following:

distributor

means a person who sells consumer fireworks or novelty devices to other distributors or to retailers, whether or not they sell to users. (*distributeur*)

licence

means a licence that authorizes the storage of consumer fireworks or novelty devices. (*licence*)

retailer

means a person, other than a distributor, who sells consumer fireworks or novelty devices. (*détaillant*)

user

means a person who acquires consumer fireworks or novelty devices for use. (*utilisateur*)

(2) Subsection 335(1) of the Regulations is amended by adding the following in alphabetical order:

novelty device

means a low-noise, low-energy firework that is safe to use in confined spaces. (*dispositif de fantaisie*)

(3) Paragraph 335(2)(a) of the French version of the Regulations is replaced by the following:

a) elles sont à l'intérieur de celui-ci, qu'elles soient ou non dans une unité de stockage ou exposées pour la vente;

(4) Section 335 of the Regulations is amended by adding the following after subsection (2):

Storage — novelty devices

(3) For the purposes of this Part, novelty devices are stored in a sales establishment if they are

- (a) inside the sales establishment, whether or not they are in a storage unit or displayed for sale;
- (b) outside the sales establishment in a storage unit that is used in operating the establishment; or
- (c) in a licensed magazine that is either inside or outside the establishment.

94 Sections 336 and 337 of the Regulations are replaced by the following:

Consumer fireworks or novelty devices — quantity

336 A reference to a mass of consumer fireworks or a mass of novelty devices in this Part is a reference to their gross mass (the mass of the consumer fireworks or the mass of the novelty devices plus the mass of any packaging or container).

Prohibition on use

337 Except as authorized by this Part, it is prohibited for a person to use

- (a) consumer fireworks; or
- (b) novelty devices.

95 Section 338 of the Regulations is replaced by the following:

Distributor

338 (1) A distributor may acquire, store and sell consumer fireworks or novelty devices if they hold a licence. A distributor who acquires consumer fireworks or novelty devices must comply with this Division.

Retailer

(2) A retailer may acquire, store and sell consumer fireworks or novelty devices, whether or not they hold a licence. A retailer who acquires consumer fireworks or novelty devices must comply with this Division

96 Sections 339 and 340 of the Regulations are replaced by the following:

No sale from dwelling

339 A seller must not sell

- (a)** consumer fireworks from a dwelling; or
- (b)** novelty devices from a dwelling.

Sales establishment – requirements

340 A seller must ensure that their sales establishment meets the following requirements:

- (a)** it has at least two unobstructed exits;
- (b)** all aisles containing consumer fireworks are at least 1.2 m wide and not blocked at either end; and
- (c)** all aisles containing novelty devices are at least 1.2 m wide and not blocked at either end.

97 (1) The portion of paragraph 341(2)(b) of the Regulations before subparagraph (i) is replaced by the following:

- (b)** all places where consumer fireworks or novelty devices are stored, whether inside or outside the establishment, must be at least 100 m from all above-ground storage tanks for flammable substances in bulk and at least 8 m from the following:

(2) Paragraph 341(3)(b) of the English version of the Regulations is replaced by the following:

- (b)** the consumer fireworks are attended at all times; and

(3) Paragraph 341(3)(c) of the Regulations is replaced by the following:

- (c)** if the sales establishment selling consumer fireworks or novelty devices is a tent, the tent is made from flame-retardant material.

98 Section 342 of the Regulations is replaced by the following:**Licence holder**

342 (1) A seller who holds a licence must store all their consumer fireworks in the magazine specified in their licence and ensure that the requirements respecting consumer fireworks in sections 343 to 345, 345.2 and 346 are met.

Unlicensed retailer

(2) A retailer who does not hold a licence must store their consumer fireworks in a sales establishment other than a dwelling and ensure that the requirements respecting consumer fireworks in sections 343 to 345, 345.2, 346, 348 and 349 are met.

Novelty devices unlicensed retailer

342.1 A retailer must store their novelty devices in a sales establishment other than a dwelling and ensure that the requirements respecting novelty devices in sections 345.1, 345.2, 346.1, 348 and 349 are met.

99 (1) The portion of subsection 344(1) of the English version of the Regulations before paragraph (a) is replaced by the following:**Non-aerial consumer fireworks**

344 (1) Non-aerial consumer fireworks (flares, fountains, snakes, ground spinners, strobe pots, wheels and ground whistles) may be displayed for sale only if they are

(2) The portion of subsection 344(2) of the English version of the Regulations before paragraph (a) is replaced by the following:**Aerial consumer fireworks**

(2) Aerial consumer fireworks may be displayed for sale only if they are

(3) Subsection 344(3) of the English version of the Regulations is replaced by the following:

Non-aerial consumer and aerial consumer fireworks

(3) Non-aerial consumer and aerial consumer fireworks may be displayed for sale only if they are displayed in accordance with section 346.

100 (1) The portion of section 345 of the Regulations before paragraph (a) is replaced by the following:

Adequate consumer pack — fireworks

345 For the purposes of this Part, a consumer pack of consumer fireworks must meet the following requirements:

(2) Paragraph 345(b) of the English version of the Regulations is replaced by the following:

(b) it must be designed so that it prevents a person who is handling it from being able to ignite the consumer fireworks it contains;

101 The Regulations are amended by adding the following after section 345:

Adequate consumer pack — novelty devices

345.1 For the purposes of this Part, a consumer pack of novelty devices must meet the following requirements:

(a) it must be of sufficient strength to withstand normal handling;

(b) it must be designed so that it prevents a person who is handling it from being able to ignite the novelty devices it contains; and

(c) it must be designed so that it prevents any shifting of the novelty devices during handling or transportation.

Reuse of packaging

345.2 A seller must ensure that any packaging or container that has been used for consumer fireworks or novelty devices is not reused unless

- (a)** the transport classification of the consumer fireworks or novelty devices to be transported remains unchanged;
- (b)** the consumer fireworks or novelty devices to be transported are arranged in the packaging or container so as to minimize their movement during transport;
- (c)** the packaging or container is closed for transport in the same manner as it was for its first use;
- (d)** the mass of the consumer fireworks or novelty devices is equal to or less than the mass of the consumer fireworks or novelty devices during the first use of the packaging or container; and
- (e)** the packaging or container shows no signs of damage, contamination or reduced strength.

102 Sections 347 to 349 of the Regulations are replaced by the following:

Novelty devices — displayed for sale

346.1 When novelty devices are displayed for sale, the following requirements must be met:

- (a)** the novelty devices must be separated into lots of 25 kg or less;
- (b)** each lot must be separated from the other lots by a fire break;
- (c)** the novelty devices must be kept away from flammable substances and sources of ignition; and
- (d)** the novelty devices must not be exposed to heat or dampness that might cause them to deteriorate.

Exception

347 Sections 345.1 and 346.1 do not apply to sparklers or toy pistol caps.

Maximum quantity

348 (1) No more than 2 000 kg of consumer fireworks or novelty devices may be stored in a sales establishment at any one time, including fireworks or novelty devices that are displayed for sale, and at least 1 000 kg of the 2 000 kg must be stored in original packaging or containers. If the sales establishment is located in a building that contains a dwelling, no more than 100 kg of consumer fireworks or novelty devices may be stored at any one time, including consumer fireworks or novelty devices that are displayed for sale.

Place of storage

(2) Consumer fireworks or novelty devices that are not displayed for sale must be stored in a storage unit.

Storage requirements — storage unit

349 When consumer fireworks or novelty devices are stored in a storage unit,

- (a)** the storage unit must be located away from flammable substances and sources of ignition;
- (b)** the interior of the storage unit must be kept clean and dry;
- (c)** the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (d)** the storage unit must be attended when unlocked;
- (e)** if the storage unit is a container, it must not impede exit in case of fire;
- (f)** if the storage unit is not a container, all exits must be kept unobstructed;
- (g)** precautions that minimize the likelihood of an ignition or fire in or near the storage unit must be taken; and

(h) a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

103 Subsection 350(2) of the Regulations is replaced by the following:

Maximum quantity — unlicensed buyer

(2) A seller must not sell more consumer fireworks or novelty devices to an unlicensed buyer than the buyer is authorized by this Division to store.

104 Subsections 352(2) and (3) of the Regulations are replaced by the following:

Table

(2) A seller who sells consumer fireworks to a user must offer the user either a copy of the table at the end of this Part or a document that includes the same information. The copy of the table or the document may be provided by electronic means, such as a QR code.

105 (1) The portion of section 353 of the Regulations before paragraph (a) is replaced by the following:

Record of sale

353 A seller must keep a record of every sale of 150 kg or more of consumer fireworks or novelty devices, or of consumer fireworks and novelty devices combined, for two years after the date of the sale. The record must include the following information:

(2) Paragraph 353(c) of the Regulations is replaced by the following:

(c) the product name of each consumer firework or novelty device sold and the name of the person who obtained its authorization;

(3) Paragraphs 353(d) and (e) of the English version of the Regulations are replaced by the following:

(d) the quantity of consumer fireworks or novelty devices sold under each product name;

(e) in the case of a sale by a distributor, an indication of whether the consumer fireworks or novelty devices were purchased for re-sale or for use; and

106 Subsection 354(2) of the Regulations is amended by adding the following after subsection (1):

Acquisition — novelty devices

(1.1) A user who is at least 16 years old may acquire, store and use novelty devices, whether or not they hold a licence. A user who acquires novelty devices must comply with this Division.

Toy pistol caps

(2) A user who is less than 16 years old may acquire and use toy pistol caps.

107 Section 355 of the Regulations is amended by adding the following after subsection (2):

Storage of novelty devices — unlicensed user

(3) A user who does not hold a licence must store their novelty devices in a dwelling or a storage unit and ensure that the requirements of sections 356 and 357 respecting novelty devices are met.

108 Sections 356 and 357 of the Regulations are replaced by the following:

Maximum quantity — dwelling

356 (1) The maximum quantity of consumer fireworks or novelty devices, or of consumer fireworks and novelty devices combined, that may be stored at any one time in a dwelling is 10 kg.

Maximum quantity — storage unit

(2) The maximum quantity of consumer fireworks or novelty devices that may be stored at any one time in storage units, whether in a single unit or in several, is as follows:

- (a)** 1 000 kg of consumer fireworks;
- (b)** 2 000 kg of novelty devices; or
- (c)** 2 000 kg of consumer fireworks and novelty devices combined, of which no more than 1 000 kg may be consumer fireworks.

Storage requirements — dwelling

357 (1) When consumer fireworks or novelty devices are stored in a dwelling, they must be stored in accordance with package instructions, located in a clean, dry place, away from flammable substances and sources of ignition and in a manner that ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

- (2)** When consumer fireworks or novelty devices are stored in a storage unit,
- (a)** the storage unit must be located away from flammable substances and sources of ignition;
 - (b)** the interior of the storage unit must be kept clean and dry;
 - (c)** the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
 - (d)** the storage unit must be attended when unlocked;

- (e) if the storage unit is a container, it must not impede exit in case of fire;
- (f) if the storage unit is not a container, all exits must be kept unobstructed;
- (g) precautions that minimize the likelihood of an ignition or fire in or near the storage unit must be taken; and
- (h) a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

109 Subsections 358(1) and (2) of the Regulations are replaced by the following:

Instructions — consumer fireworks

358 (1) When using consumer fireworks, a user, other than a certified display supervisor or a display assistant under the direct supervision of a certified display supervisor, must follow the instructions provided on the label of the consumer fireworks, and if there are no such instructions, the consumer fireworks must not be used except by a certified display supervisor or a display assistant under the direct supervision of a certified display supervisor.

Instructions — novelty devices

(1.1) When using novelty devices, a user must follow the instructions on the packaging, and if there are no such instructions, the novelty devices must not be used.

Electric match

(2) A user, other than a certified display supervisor or a display assistant under the direct supervision of a certified display supervisor, must not use an electric match to fire consumer fireworks.

110 The Regulations are amended by adding the following after section 358:

Consumer fireworks — electric match

358.1 (1) A certified display supervisor or a display assistant under the direct supervision of a certified display supervisor may use an electric match to fire consumer fireworks.

Consumer fireworks — hybrid show

(2) Consumer fireworks may be used by a certified display supervisor or by a display assistant under the direct supervision of a certified display supervisor as a component of a hybrid show containing both consumer fireworks and display fireworks.

Fireworks accessories (type F.4) — hybrid show

(3) Fireworks accessories (type F.4) may be used by a certified display supervisor or by a display assistant under the direct supervision of a certified display supervisor to fire consumer fireworks as a component of a hybrid show containing both consumer fireworks and display fireworks.

111 (1) Section 359 of the Regulations is amended by adding the following after subsection (1):

User under 16 years old

(1.1) A user who is under the age of 16 may use novelty devices if they are supervised by a person who is at least 18 years old.

(2) Subsection 359(3) of the Regulations is replaced by the following :

Supervision — novelty devices

(3) A person who acquires novelty devices may give them to a user who is under the age of 16 if the person ensures that the user is supervised by a person who is at least 18 years old.

112 The Regulations are amended by adding the following after section 359:

Reuse of packaging

359.1 A user must ensure that any packaging or container that has been used for consumer fireworks or novelty devices is not reused unless

- (a)** the transport classification of the consumer fireworks or novelty devices to be transported remains unchanged;
- (b)** the consumer fireworks or novelty devices to be transported are arranged in the packaging or container so as to minimize their movement during transport;
- (c)** the packaging or container is closed for transport in the same manner as it was for its first use;
- (d)** the mass of the consumer fireworks or novelty devices is equal to or less than the mass of the consumer fireworks or novelty devices during the first use of the packaging or container; and
- (e)** the packaging or container shows no signs of damage, contamination or reduced strength.

113 Subsection 377(3) of the Regulations is replaced by the following:

Black powder

(3) Black powder must be stored in its original container with no more than 500 g of black powder per container, in small arms cartridges or in black powder cartouches.

114 Paragraph 379(2)(a) of the Regulations is replaced by the following:

(a) 1 kg, with no more than 500 g of black powder per container, if the black powder is in original containers; or

115 Section 380 of the Regulations is replaced by the following:**Detached storage unit**

380 The maximum quantity of black powder and smokeless powder that may be stored at any one time in storage units that are not attached to a dwelling and are not at the site of use, whether in a single unit or in several, is 25 kg and 75 kg, respectively.

116 (1) Subsection 382(1) of the Regulations is replaced by the following:**Storage requirements — dwelling**

382 (1) When special effect pyrotechnics are stored in a dwelling, they must be stored in accordance with package instructions, located in a clean, dry place, away from flammable substances and sources of ignition and in a manner that ensures that access to them is limited to people authorized by the user.

(2) Paragraphs 382(2)(a) to (l) of the Regulations are replaced by the following:

(a) the storage unit must be located away from flammable substances and sources of ignition;

(b) the interior of the storage unit must be kept clean and dry;

(c) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;

(d) the storage unit must be attended when it is unlocked;

(e) if the storage unit is a container, it must not impede exit in case of fire;

(f) if the storage unit is not a container, all exits must be kept unobstructed;

- (g)** any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (h)** nothing other than special effect pyrotechnics may be stored in the storage unit;
- (i)** propellant powder, firework accessories and other special effect pyrotechnics must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);
- (j)** precautions that minimize the likelihood of an ignition or fire in or near the storage unit must be taken; and
- (k)** a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

117 Subsection 384(1) of the Regulations is replaced by the following:

Instructions

384 (1) A user must, when using special effect pyrotechnics, follow the instructions of the pyrotechnician in charge.

118 (1) Paragraphs 388(1)(a) to (c) of the Regulations are replaced by the following:

- (a)** the applicant’s name, date of birth, address, telephone number and email address;

(2) Paragraph 388(1)(d) of the Regulations is replaced by the following:

- (d)** proof that the applicant has successfully completed a pyrotechnics safety and legal awareness course certified by the Minister.

(3) Subsection 388(2) of the English version of the Regulations is replaced by the following:

Proof of course completion

(2) An applicant who has not completed the special effect pyrotechnics safety and legal awareness course or a certified equivalent on the date their application is submitted may, within six months after that date, submit to the Chief Inspector of Explosives proof of their successful completion of the course or equivalent.

(4) Paragraphs 388(3)(a) and (b) of the Regulations are replaced by the following:

(a) the applicant's name, date of birth, address, telephone number and email address;

(5) Paragraph 388(3)(d) of the Regulations is repealed.

(6) Paragraphs 388(5)(a) to (c) of the Regulations are replaced by the following:

(a) the applicant's name, date of birth, address, telephone number and email address;

119 Section 389 of the Regulations is replaced by the following:

Acquisition

389 A user may acquire and store special effect pyrotechnics, whether or not they hold a licence, if they hold a fireworks operator certificate with the endorsements required for the use of the pyrotechnics to be acquired. However, a user who does not hold a licence must not acquire initiation systems or detonating cords. A user who acquires special effect pyrotechnics must comply with this subdivision.

120 (1) Subsection 397(1) of the Regulations is replaced by the following:**Storage requirements — dwelling**

397 (1) When special effect pyrotechnics are stored in a dwelling, they must be stored in accordance with package instructions, located in a clean, dry place, away from flammable substances and sources of ignition and in a manner that ensures that access to them is limited to people authorized by the user.

(2) Paragraphs 397(2)(a) to (l) of the Regulations are replaced by the following:

- (a)** the storage unit must be located away from flammable substances and sources of ignition;
- (b)** the interior of the storage unit must be kept clean and dry;
- (c)** the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (d)** the storage unit must be attended when it is unlocked;
- (e)** if the storage unit is a container, it must not impede exit in case of fire;
- (f)** if the storage unit is not a container, all exits must be kept unobstructed;
- (g)** any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (h)** nothing other than special effect pyrotechnics may be stored in the storage unit;
- (i)** propellant powder, firework accessories and other special effect pyrotechnics must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);
- (j)** precautions that minimize the likelihood of an ignition or fire in or near the storage unit must be taken; and

(k) a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

121 Paragraph 399(a) of the Regulations is replaced by the following:

(a) explosives that are classified as type F.3, type S.1 or type S.2 and whose use by pyrotechnicians or visitor pyrotechnicians has been authorized by the Chief Inspector of Explosives under section 32 or 33 as well as all fireworks accessories;

122 Paragraph 400(a) of the Regulations is re-placed by the following:

(a) explosives classified as type F.3, type S.1 or type S.2, fireworks accessories, black powder and smokeless powder;

123 (1) Paragraph 401(1)(a) of the Regulations is replaced by the following:

(a) assemble at the site of use and use special purpose pyrotechnics, explosives classified as type F.3, type S.1 or type S.2, fireworks accessories, black powder and smokeless powder; and

(2) Paragraph 401(2)(a) of the Regulations is replaced by the following:

(a) assemble at the site of use and use special purpose pyrotechnics, explosives classified as type F.3, type S.1 or type S.2, fireworks accessories, black powder and smokeless powder; and

124 Section 404 of the Regulations is replaced by the following:

Fallout zone

404 (1) A fallout zone must be established, taking into account the properties of the special effect pyrotechnics to be used, how they will be positioned, the instructions of the person who obtained their authorization, the weather

conditions if the pyrotechnic event is to be held outdoors and the likelihood of harm to people or property resulting from the use of the pyrotechnics.

Flammables

(2) The fallout zone must not contain any flammables or other items that are likely to catch fire.

Access

(3) Only people authorized by the pyrotechnician in charge may enter or be in the fallout zone from the time any special effect pyrotechnics are brought into the zone until the pyrotechnician in charge declares the zone to be free of explosives.

No smoking

(4) Smoking must be prohibited in the fallout zone.

125 (1) Subsection 406(1) of the Regulations is replaced by the following:

Instructions

406 (1) When setting up and firing the special effect pyrotechnics, the instructions of the pyrotechnician in charge must be followed.

(2) Subsection 406(7) of the Regulations is replaced by the following:

Firing system — requirement

(7) The pyrotechnician in charge must ensure that the firing system is secured at all times to prevent accidental ignition.

126 (1) Subsection 407(1) of the Regulations is repealed.

(2) The portion of subsection 407(2) of the French version of the Regulations before paragraph (a) is replaced by the following:

Pièces pyrotechniques — ratés

(2) Il est interdit de s'approcher d'une pièce pyrotechnique à effets spéciaux ayant eu des ratés avant que le délai applicable ci-après ne se soit écoulé :

(3) Subsection 407(5) of the Regulations is replaced by the following:

Access

(5) After the event, only people designated to do a search by the pyrotechnician in charge may enter or be in the fallout zone until the pyrotechnician in charge declares the zone to be free of explosives.

127 Subsection 416(2) of the Regulations is re-placed by the following:

Electric matches

(2) A seller must not store electric matches in a magazine in which fireworks are stored.

128 Paragraph 418(b) of the Regulations is re-placed by the following:

(b) a user who holds a fireworks operator certificate with the endorsements required for the use of the fireworks to be acquired and who provides the seller with a copy of the certificate and a copy of a local authority's approval to hold the fireworks display in which the fireworks will be used.

129 The Regulations are amended by adding the following after section 419:

Reuse of packaging — seller

419.1 A seller must ensure that any packaging or container that has been used for fireworks is not reused unless

(a) the transport classification of the fireworks to be transported remains unchanged;

(b) the fireworks to be transported are arranged in the packaging or container so as to minimize their movement during transport;

- (c) the packaging or container is closed for transport in the same manner as it was for its first use;
- (d) the mass of the fireworks is equal to or less than the mass of the fireworks during the first use of the packaging or container; and
- (e) the packaging or container shows no signs of damage, contamination or reduced strength.

130 (1) Paragraph 423(1)(a) of the Regulations is replaced by the following:

- (a) the applicant's name, date of birth, address, telephone number and email address;

(2) Paragraphs 423(3)(a) and (b) of the Regulations are replaced by the following:

- (a) the applicant's name, date of birth, address, telephone number and email address;

(3) Paragraph 423(3)(d) of the Regulations is repealed.

(4) Paragraph 423(3)(f) of the Regulations is re-placed by the following:

- (f) a letter of recommendation that is signed by the display supervisor in charge of a fireworks display in which the applicant participated and that attests that the applicant is competent to act as a display supervisor.

(5) Paragraph 423(5)(a) to (c) of the Regulations are replaced by the following:

- (a) the applicant's name, date of birth, address, telephone number and email address;

131 Section 424 of the Regulations is replaced by the following:

Acquisition

424 A user may acquire fireworks, whether or not they hold a licence, if they hold a fireworks operator certificate with the endorsements required for the use of the fireworks to be acquired. A user who acquires fireworks must comply with this Division.

132 Paragraphs 427(a) to (l) of the Regulations are replaced by the following:

- (a)** the storage unit must be located away from flammable substances and sources of ignition;
- (b)** the interior of the storage unit must be kept clean and dry;
- (c)** the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (d)** the storage unit must be attended when it is unlocked;
- (e)** if the storage unit is a container, it must not impede exit in case of fire;
- (f)** if the storage unit is not a container, all exits must be kept unobstructed;
- (g)** any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (h)** only type F explosives, other than electric matches, may be stored with display fireworks;
- (i)** electric matches must be stored separately from other explosives (for example, on different shelves or separated by a wooden barrier);
- (j)** precautions that minimize the likelihood of an ignition or fire in or near the storage unit must be taken; and
- (k)** a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a

symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

133 The Regulations are amended by adding the following after section 429:

Reuse of packaging — user

429.1 A user must ensure that any packaging or container that has been used for fireworks is not reused unless

- (a)** the transport classification of the fireworks to be transported remains unchanged;
- (b)** the fireworks to be transported are arranged in the packaging or container so as to minimize their movement during transport;
- (c)** the packaging or container is closed for transport in the same manner as it was for its first use;
- (d)** the mass of the fireworks is equal to or less than the mass of the fireworks during the first use of the packaging or container; and
- (e)** the packaging or container shows no signs of damage, contamination or reduced strength.

134 Subsection 432(3) of the English version of the Regulations is replaced by the following:

Safety meetings

(3) Meetings must be held with the people who will participate in presenting the fireworks display (for example, security guards and technicians) to inform them of the fireworks that will be used and the safety precautions to be taken during the display. Subsequent meetings must be held if the display is changed in a way that increases the likelihood of harm to people or property resulting from the use of the fireworks.

135 (1) Subsections 434(1) and (2) of the Regulations are replaced by the following:

Loading zone

434 (1) When the fireworks are brought to the firing site, a loading zone must be established whose outer boundary is at least 30 m from the perimeter of the firing site. A smaller loading zone may be established only with the written approval of the local authority.

Flammables

(2) The loading zone must not contain any flammables or other items that are likely to catch fire.

(2) Subsections 434(4) to (6) of the Regulations are replaced by the following:

Access

(4) Only people authorized by the display supervisor in charge may enter or be in the loading zone or the fallout zone from the time any fireworks are brought into the zone until the supervisor in charge declares the zone to be free of explosives.

Handling

(5) Only a person who holds a fireworks operator certificate (display assistant), fireworks operator certificate (display supervisor), fireworks operator certificate (display supervisor with endorsement) or fireworks operator certificate (display visitor) and is authorized by the display supervisor in charge may handle fireworks in the loading zone or fallout zone.

No smoking

(6) Smoking must be prohibited in the loading zone.

136 Subsection 436(7) of the Regulations is re-placed by the following:**Firing system — requirement**

(7) If fireworks are electrically fired, the display supervisor in charge must ensure that the firing system is secured at all times to prevent accidental ignition.

137 Subsection 437(7) of the Regulations is re-placed by the following:**Second search**

(7) The fallout zone must be searched a second time as soon as light and weather conditions permit if, at the time of the first search conducted under subsection (5) light and weather conditions were insufficient to ensure that all explosives were removed.

138 (1) Paragraph 464(1)(a) of the Regulations is replaced by the following:

(a) the component seller's name, address, telephone number and email address;

(2) Paragraph 464(1)(d) of the Regulations is replaced by the following:

(d) the name, address, telephone number and email address of a contact person for each location where a Tier 1 component will be stored or sold.

139 (1) Paragraph 466(1)(a) of the Regulations is replaced by the following:

(a) the product seller's name, address, telephone number and email address;

(2) Paragraph 466(1)(e) of the Regulations is re-placed by the following:

(e) the name, address, telephone number and email address of a contact person for each location where a Tier 1 component will be stored.

140 Section 469 of the French version of the Regulations is replaced by the following:**Avis de changement**

469 Dans les dix jours suivant la date de tout changement relatif aux renseignements fournis dans la demande, le vendeur de composant ou le vendeur de produit en avise par écrit l'inspecteur en chef des explosifs.

141 (1) The portion of section 479 of the Regulations before paragraph (a) is replaced by the following:

Annual inventory

479 For each calendar year, an inventory must be made and a record of the following information kept for two years:

(2) Paragraph 479(c) of the Regulations is replaced by the following:

(c) the name, address, telephone number and email address of the person who made the inventory.

142 (1) Paragraph 499(a) of the Regulations is replaced by the following:

(a) the product seller's name, address, telephone number and email address;

(2) Paragraph 499(e) of the Regulations is replaced by the following:

(e) the name, address, telephone number and email address of a contact person for each location where a Tier 2 component will be stored.

143 The Regulations are amended by striking out the note set out in the following provisions:

(a) subsection 6(1);

(b) subsection 138(2);

(c) the definition *licence* in section 270;

(d) subsection 274(1);

(e) section 280;

(f) the definition *licence* in subsection 282(1);

(g) subsection 287(2);

(h) section 296;

(i) section 298; and

(j) subsection 299(1).

► **Add a comment for the Consumer Fireworks and Novelty Devices section**

Coming into Force

144 These Regulations come into force on the day on which they are registered.

► **Add a comment for the Coming into Force section**

Confidential Business Information (CBI)

► **Add a comment for the Confidential Business Information (CBI) section**

► **Terms of use and Privacy notice**

Supporting Resources or References

► **Add Supporting Resources or References with your comments**

Comment(s) Submission

Please note that, in order to increase the transparency of the regulatory process, all comments submitted to Canada Gazette, Part I, will be posted online after the comment period closes. Those who post as individuals will be identified only as individuals, those who post anonymously will be identified as anonymous and organizations will be identified with their organization name.

To submit your comment(s) follow these three steps:

1. Review your comment(s)
2. Complete your contact information
3. Submit your comment(s)

Step 1: Review your comment(s)

Footnotes

^a S.C. 2015, c. 3, s. 82

^b R.S., c. E-17

¹ [Off-Duty Border Patrol Agent Pleads Guilty To Starting 2017 Sawmill Fire and Agrees To Pay More Than \\$8 Million in Restitution | USAO-AZ | Department of Justice](#)

² SOR/2013-211