**Consultation Document for Proposed Amendments to the *Explosives Regulations, 2013***

| **Proposed Changes before Canada Gazette II** | | | | |
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| **#** | **Previously Proposed Provision** | **Proposed Amendments** | **Rationale** | **Comments** |
|  | **NEW** | Amend 107 to add the manufacture of F.5 novelty devices for personal use to the list of authorized activities under division 2 manufacturing licences | This proposed amendment is intended to explicitly allow hobbyists to create F.5 novelty devices if they hold a Division 2 manufacturing licence. Without the amendment, the manufacture of F.5 novelty devices by hobbyists would become a Division 1 manufacturing activity. |  |
| # 39 | **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. | Amend proposed 164.1 to add safety of property:  “would constitute a risk to the safety and security of people or property”  Add provisions to 164 to establish process for the Minister to review the decision to refuse a licence, certificate or permit, to align with the process of reviewing the refusal of an approval letter.  **Request for review**  164.1(1) An applicant may, within 30 days after the date on which they receive a notice of refusal, send the Minister written information or documents to establish that the information on which the refusal was based is incorrect.  Disposition on review  164.1(2) After reviewing the new information or documents, the Minister must  (a) issue licence if the information on which the refusal was based is incorrect; or  (b) give the applicant written notice of the refusal, and the reasons for the refusal, if the information on which the refusal was based is correct. | Adding this provision will provide clarity on what the process for review of a Minister’s refusal decision would be. |  |
| # 57 changes to 199 | **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. | Amend 199(4) so that electronic monitoring is limited to tankers carrying UN 3375 and UN 0332. Proposed language is below:  199 (4) A vehicle containing emulsions and water-based explosives transported in tankers 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, must be locked;  (b) the vehicle is parked in a secure location, is monitored by a video system, and has a device or system in place that will ensure the vehicle is immobilized;  (c) the vehicle is armed with an alarm that will alert the driver and carrier if an attempt is made to steal the explosives or tamper with or steal the vehicle; and  (d) in the case of an emergency, the driver or carrier must contact the appropriate authorities as soon as feasible. | Comments received noted that the proposed requirements were too onerous and impractical and would be difficult to implement.  The main concerns highlighted were regarding the meaning of electronic monitoring and the availability of access-controlled parking areas. Removing the requirement for a person to be constantly monitoring a video feed, as well as removing the requirement for an access-controlled location would not be acceptable for all explosives, therefore, the proposal is being adjusted to limit the explosives that need to be monitored electronically to emulsions and water-based explosives. |  |
| # 58 changes to sections 200 and 201 | **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. | Amend 201(2)(d) to the following:  (d) provide the Chief Inspector of Explosives with a written report about the accident or incident described in 201(1)(b) (i), (ii) or (iii) 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. | Feedback received noted that this proposed amendment was too onerous and not needed from an incident investigation perspective. It was determined that a formal written report regarding vehicle damage such as tire blow outs or fender benders would not be needed and that under 201(2)(a) the incident would still be reported to an inspector. |  |
| # 73 | **Reactive Targets**  **264(2)** No more than 5 kg of reactive targets may be stored  at any one time. | Adjust the proposed unlicensed storage limit of reactive targets from 5kgs to 6kgs. | The standard case of reactive targets available for sale in Canada is 5.44 kg.  The proposal aimed to reduce storage limits for safety purposes. Adjusting the limit to allow for one case, is reasonable, and prevents manufacturers from having to change packaging. |  |
| # 85 | **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 | Amend 294 to allow for the purchase of propellant powder using a Public Agents identification Number (PAIN) | This amendment addresses concerns that restricting sales to PAL holders would require public servants to provide a personal PAL to purchase on behalf of the government. Including the PAIN would allow public service employees to purchase propellant powder on behalf of a government agency, e.g. Parks Canada historical sites. |  |
| # 93 | **novelty device** means a low-noise, low-energy firework that is safe to use in confined spaces. (dispositif de fantaisie) | Amend 335(1) change definition to: **Novelty Device** is a device which produces limited visible or audible effects and contains small amounts of pyrotechnic and/or explosive composition but does not fall under the category of consumer fireworks. | The use of the term ‘confined spaces’ could imply that novelty devices are safe for indoor use. The new definition seeks to make clear that novelty devices are a lower risk firework with a different risk profile than other types of commercial fireworks. |  |
| # 102 | **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. | Amend 348(1) so that no more than 1000 kg of consumer fireworks or novelty devices may be stored in a sales establishment at one time, without a licence. | The proposed increase in storage does not align with the current context in which local jurisdictions are increasingly restricting the use and sale of fireworks.  Additionally, public input (and petitions) proposed increasing restrictions on consumer fireworks sales due to concerns about the dangers of fireworks and the risk that misuse of fireworks pose. Further concerns in the context of the unprecedented wildfires this summer have precipitated changes to this proposed amendment. |  |
| # 108 | Maximum quantity – storage unit  356 (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. | Amend 356(2) so the maximum quantity of consumer fireworks or novelty devices that may be stored in an, unlicensed storage unit at one time is 1000 kg combined. | Same as above |  |
| # 141 | **Annual Inventory**  479 For each calendar year, an inventory must be made and a record of the following information kept for two years: | Amend previous proposed regulation to number 487  **Annual Inventory**  487 For each calendar year, an inventory must be made and a record of the following information kept for two years: | Proposed change previously referred to section 479 Authorized Location rather than the annual inventory. |  |