

REGULATORY RECONCILIATION AND COOPERATION TABLE WORK PLAN #2 (2019-2020)

This 29-item work plan was developed pursuant to Annex 404 (para. 8) of the Canadian Free Trade Agreement (CFTA).

Overview of RCT Work to Date:

1. Five Reconciliation Agreements, covering eight of the 23 items from the 2018-19 RCT Workplan, have been completed and implementation is underway. They are:
 - Occupational Health and Safety:
 - First Aid Kits
 - Hearing Protection
 - Personal Flotation Devices
 - Head, Foot and Eye Protection
 - Transport: Wide-base Single Tires
 - Technical Safety: CRN for Pressure Vessels
 - Aquaculture Organic Labeling (Implementation complete)
 - Grade Inspection for Produce (Implementation complete)
 2. The 2019-2020 RCT workplan contains 29 items. It carries over items from the RCT's initial (2018-2019) Workplan, as well as tracks the full implementation of the five completed agreements in place. It includes five **New** items:
 - For Reconciliation:
 - Textiles: Regulatory Requirements for Upholstered and Stuffed Articles
 - Technical Safety: National license for gas fitters
 - For Future Regulatory Cooperation
 - Construction: Prompt Payment legislation and regulation
 - Transport: Truck Driver Certification (Mandatory Entry-level Training)
 - Transport: Autonomous Vehicles testing
- In addition, the RCT is assessing the issue of Regulatory Governance Best Practices (scope being determined).
3. For 2019, five Reconciliation Agreements or equivalents will be delivered by December in the following areas:
 - Construction Codes (Item 12)
 - Energy Efficiency Standards for Household Appliances (Item 14)
 - Aquaculture Site marking (Item 17)
 - Corporate Registry (Item 22)
 - Textiles - Regulatory Requirements for Upholstered and Stuffed Articles (Item 24, a **New** item, as listed above)

COMPLETED RECONCILIATION AGREEMENTS and IMPLEMENTATION STATUS

THEMES	TOPICS	STATUS / IMPLEMENTATION
<i>Occupational Health and Safety</i>	<ul style="list-style-type: none"> • First Aid Kits • Hearing Protection • Personal Flotation Devices • Head, Foot and Eye Protection <p>Common standards have been agreed to for first aid kit contents, eye, face, head, foot, and hearing protection and personal flotation devices.</p> <p>When implemented, businesses operating across multiple jurisdictions will no longer bear the time and expense of navigating different requirements.</p>	<ul style="list-style-type: none"> • Endorsement: RCT has endorsed • Signing by Parties: Underway • Publication: To be posted on CFTA website • Implementation: Underway
<i>Transport</i>	<ul style="list-style-type: none"> • Wide Base Single (WBS) Tires <p>Weights for wide-base and dual tires will be aligned within jurisdictions to make the use of the tires more practical for the transportation sector.</p>	<ul style="list-style-type: none"> • Endorsement: RCT has endorsed • Signing by Parties: Underway • Publication: To be posted on CFTA website • Implementation: Underway
<i>Standards and Codes</i>	<ul style="list-style-type: none"> • CRN for Pressure Equipment <p>Mutual recognition for the review of pressure vessel equipment design will remove redundant and expensive reviews for participating jurisdictions.</p>	<ul style="list-style-type: none"> • Endorsement: RCT has endorsed • Signing by Parties: Underway • Publication: To be posted on CFTA website • Implementation: Underway
<i>Agriculture / Agri-Food / Aquaculture</i>	<ul style="list-style-type: none"> • Aquaculture Organic Labeling The Safe Food for Canadians regulations broadens the scope of products which may be labelled as organic. • Grade Inspection for Produce The Safe Food for Canadians regulations eliminates requirements for quality inspections for blueberries and requirements related to inspections for grade for apples and potatoes prior to conveyance from one province to another. 	<ul style="list-style-type: none"> • Endorsement: RCT has endorsed both agreements • Signing: Complete • Publication: Both agreements are posted on CFTA website • Implementation: Complete. The coming into force of the federal <i>Safe Food for Canadians Act</i> (January 15, 2019) and its regulations removed the restrictions in place that prohibited the ability for producers to market aquaculture products as organic, and eliminated the inspection requirements for apples, blueberries, potatoes.

SUMMARY of 2019 – 2020 WORKPLAN:

REGULATORY MEASURES FOR RECONCILIATION AND FUTURE REGULATORY COOPERATION

For more detailed information, see Annex 1

Items for Regulatory Reconciliation

THEMES	TOPICS	TARGETED TIMING for RECONCILIATION AGREEMENT
<i>Occupational Health and Safety</i>	<ul style="list-style-type: none"> • Workplace First Aid Training • Fall Protection • Occupational Exposure Limits • Occupational Health and Safety Management System 	<ul style="list-style-type: none"> • Medium Term (by 2020) • Medium Term (by 2020) • Medium Term (by 2020) • Long Term (by 2021)
<i>Transport</i>	<ul style="list-style-type: none"> • Spring Weight Restrictions (Trans-Canada Highway) • Size and Weight Restrictions (excepting Spring Weight Restrictions) • Electronic Logging Devices 	<ul style="list-style-type: none"> • Long Term (by 2021) • Medium Term (by 2020) • Medium Term (by 2020)
<i>Standards and Codes</i>	<ul style="list-style-type: none"> • Construction Codes • Energy Efficiency Standards for Household Appliances 	<ul style="list-style-type: none"> • Short Term (by 2019) • Short Term (by 2019)
<i>Agriculture / Agri-Food / Aquaculture</i>	<ul style="list-style-type: none"> • Food Inspection • Meat Inspection • Aquaculture Site Marking 	<ul style="list-style-type: none"> • Medium Term (by 2020) • Medium Term (by 2020) • Short Term (by 2019)
<i>Construction</i>	<ul style="list-style-type: none"> • Construction labour (hiring priority system) 	<ul style="list-style-type: none"> • Long Term (by 2021)
<i>Drug Scheduling Requirements</i>	<ul style="list-style-type: none"> • Drug Scheduling 	<ul style="list-style-type: none"> • Long Term (by 2021)
<i>Registration Requirements</i>	<ul style="list-style-type: none"> • Corporate Registry • Workers' Compensation Board 	<ul style="list-style-type: none"> • Short Term (by 2019) • Medium Term (by 2020)
<i>Textiles</i>	<ul style="list-style-type: none"> • Upholstery and Stuffed Articles (USA) - New 	<ul style="list-style-type: none"> • Short Term (by 2019)
<i>Technical Safety</i>	<ul style="list-style-type: none"> • Harmonization and National Licence for Gas Fitter Technicians - New 	<ul style="list-style-type: none"> • Medium Term (by 2020)

Items for Future Regulatory Cooperation		
THEMES	TOPICS	TARGETED TIMING
<i>Transport</i>	<ul style="list-style-type: none"> Truck Driver Certification - Mandatory Entry-Level Training (MELT) for Commercial Drivers – New 	<ul style="list-style-type: none"> Medium Term (by 2020)
<i>Transport</i>	<ul style="list-style-type: none"> Testing of Automated and Connected Vehicles (AV/CVs) - New 	<ul style="list-style-type: none"> Medium Term (by 2020)
<i>Construction</i>	<ul style="list-style-type: none"> Builders' Lien – Prompt Payment Legislation and associated regulations - New 	<ul style="list-style-type: none"> Long Term (by 2021)
<p>GENERAL NOTES:</p> <ol style="list-style-type: none"> For regulatory reconciliation items, the desired outcome is to achieve regulatory reconciliation among the Parties. The RCT will support existing forums or create new ones for regulatory cooperation items identified in the workplan. The items are not intended to remain on the workplan indefinitely. Where it becomes evident that a reconciliation agreement is not achievable within a reasonable timeframe, the RCT may remove a cooperation item from the workplan. 		

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Regulatory Reconciliation items				
ITEM	THEME	TOPIC	DESCRIPTION	TARGETED TIMING for Reconciliation Agreement (SHORT, MEDIUM OR LONG TERM)
1a	Occupational Health and Safety	First Aid Kits	RECONCILIATION AGREEMENT COMPLETE	
1b	Occupational Health and Safety	Workplace First Aid Training	Presently in Canada, jurisdictions have their own rules in place for First Aid course content, duration, and types of courses.	Medium Term by 2020
2	Occupational Health and Safety	Hearing Protection	RECONCILIATION AGREEMENT COMPLETE	
3	Occupational Health and Safety	Fall Protection	All provincial governments require businesses to provide their workers with fall protection equipment, but the type of equipment varies from one province to the next.	Medium Term by 2020
4	Occupational Health and Safety	Personal Flotation Devices (PFDs)	RECONCILIATION AGREEMENT COMPLETE	
5	Occupational Health and Safety	Head Foot and Eye Protection	RECONCILIATION AGREEMENT COMPLETE	
6	Occupational Health and Safety	Occupational Exposure Limits	Businesses operating in or desiring to expand into other jurisdictions in Canada must comply with differing federal, provincial and territorial OSH regulations. Occupational Exposure Limits (OELs) for chemicals vary across Canada.	Medium Term by 2020
7	Occupational Health and Safety	Occupational Health and Safety Management System	An Occupational Health and Safety Management System is a process put in place by an employer to minimize the risk of injury and illness. Currently no Canadian jurisdiction requires the use of occupational health and safety management systems in legislation or regulation and there are no known plans for doing so. But a number of provinces do encourage the use of such systems by providing benefits for businesses.	Long Term by 2021

Regulatory Reconciliation items

ITEM	THEME	TOPIC	DESCRIPTION	TARGETED TIMING for Reconciliation Agreement (SHORT, MEDIUM OR LONG TERM)
8	<i>Transport</i>	Wide Base Single (WBS) Tires	RECONCILIATION AGREEMENT COMPLETE	
9	<i>Transport</i>	Spring Weight Restrictions (Trans-Canada Highway)	Differing spring weight regulations require transport trucks, which are distributing goods across provincial boundaries on the Trans-Canada Highway, to abide by the lowest weight restriction.	Long Term by 2021
10	<i>Transport</i>	Size and Weight Restrictions (excepting Spring Weight Restrictions)	Trucking businesses have to contend with different trucking rules, depending on whether they are travelling inter-provincially or intra-provincially. Each province and territory is responsible for regulating the size and weights of trucks allowed on their highway systems.	Medium Term by 2020
11	<i>Transport</i>	Electronic Logging Devices	<p>In Canada, electronic logging devices (ELDs) are not currently mandated for use in the trucking industry to track the consecutive hours of service (HOS) on the road; they are mandatory in the United States, affecting Canadian trucking companies.</p> <p>In December 2017 Transport Canada (TC) proposed changes to the Federal <i>Commercial Vehicle Driver's Hours of Service (HOS) Regulations</i>, including the mandated use of ELDs for interprovincial travel. As provinces and territories consider mandating for intraprovincial travel, a consistent approach will enable more accurate monitoring of a driver's HOS, enhance road safety, and provide a level and competitive playing field for all barriers.</p>	Medium Term by 2020
12	<i>Standards and Codes</i>	Construction Codes	<p>The timely adoption and implementation by provinces and territories of construction codes is variable. Provinces and territories base their codes on national code content for building, fire, plumbing and energy efficiency. Jurisdictional variations to the codes remain in terms of scope of application and special requirements.</p> <p>Policy and historically driven variations in each jurisdiction to the construction codes results in barriers related to the manufacture, operation, inspection, education/training, design, cost, mobility of labour, recognition of use and certification for products, process or activities regulated by these codes for industry, trades, professionals, local governments, international jurisdictions, regulators, the public and others.</p> <p>Variations also occur where provinces and territories are not harmonized to changing construction codes in a timely manner.</p>	Short Term by 2019
13	<i>Standards and Codes</i>	CRN for Pressure Equipment	RECONCILIATION AGREEMENT COMPLETE	

Regulatory Reconciliation items

ITEM	THEME	TOPIC	DESCRIPTION	TARGETED TIMING for Reconciliation Agreement (SHORT, MEDIUM OR LONG TERM)
14	<i>Standards and Codes</i>	Energy Efficiency Standards for Household Appliances	<p>Discrepancies between federal and provincial energy efficiency requirements for household appliances can impose unnecessary regulatory burden on industry. Currently, federal energy efficiency regulations are lower than some provinces, but aligned with others.</p> <p>Natural Resources Canada (NRCan) is responsible for administering the <i>Energy Efficiency Act</i> and <i>Regulations</i> to set and enforce minimum energy performance standards for energy-using products, such as labelling requirements. Household appliances are typically manufactured outside of Canada for the larger North American market.</p>	Short Term by 2019
15	<i>Agriculture / Agri-Food / Aquaculture</i>	Food Inspection	Food sold within a province or territory must comply with that province or territory's food safety and inspection rules. Once it crosses borders, it falls within the jurisdiction of the new province/territory, as well as applicable federal legislation. To trade inter-provincially, businesses must meet all the applicable federal requirements to get a federal registration.	Medium Term by 2020
16	<i>Agriculture / Agri-Food / Aquaculture</i>	Meat Inspection	<p>Only meat processed in federally registered abattoirs can be exported inter-provincially.</p> <p>Meeting the requirements for federal registration is currently costly and time consuming, and there are no provisions for exemptions based on regulatory system recognition.</p>	Medium Term by 2020
17	<i>Agriculture / Agri-Food / Aquaculture</i>	Aquaculture Site Marking	The requirements under the Navigation Protection Program (NPP) differ slightly from those outlined in provincial regulations. These differing site marking requirements require duplicative provincial and federal government inspections to verify that a producer is meeting the requirements.	Short Term by 2019
18	<i>Agriculture / Agri-Food / Aquaculture</i>	Aquaculture Organic Labeling	RECONCILIATION AGREEMENT COMPLETE	
19	<i>Agriculture / Agri-Food / Aquaculture</i>	Grade Inspection for Produce	RECONCILIATION AGREEMENT COMPLETE	
20	<i>Construction</i>	Construction Labour (hiring priority system)	For parties that employ a hiring priority system in its construction industry, employers of a Party must give priority to hiring workers residing in the region where the construction site is located before using workers from other regions within the jurisdiction and outside of it.	Long Term by 2021

Regulatory Reconciliation items

ITEM	THEME	TOPIC	DESCRIPTION	TARGETED TIMING for Reconciliation Agreement (SHORT, MEDIUM OR LONG TERM)
21	<i>Drug Scheduling Requirements</i>	Drug Scheduling	<p>When a drug is approved for sale in Canada, Health Canada decides whether or not the drug requires a prescription to be sold. The scheduling of non-prescription drugs (decisions on how they are to be sold in pharmacies) is the responsibility of the provinces and territories.</p> <p>Currently, the process by which P/Ts schedule non-prescription drugs varies across the country. This leads to uneven access to consumer health products and imposes a high regulatory burden on industry.</p>	Long Term by 2021
22	<i>Registration Requirements</i>	Corporate Registry	Businesses face substantial amounts of red tape when registering their companies as they seek to expand operations to other provinces across Canada. While some provinces are in the process of creating a more seamless registration process for companies incorporated in other jurisdictions, most businesses must register and file reports in each jurisdiction in which they operate.	Short Term by 2019
23	<i>Registration Requirements</i>	Workers' Compensation Board	Current Canadian workers' compensation legislation varies from one province to the next. As a result, businesses employing workers in many provinces or territories must comply with sometimes highly variable rules according to the government authority – federal, provincial or territorial.	Medium Term by 2020
24 <i>New</i>	<i>Textiles / Upholstery</i>	Upholstered and Stuffed Articles (USA) Regulatory Requirements	Some provinces have regulatory requirements for Upholstered and Stuffed Articles (USA) to protect the public from potential hazards associated with manufacturers using unclean or unsafe filling materials. All other provinces and territories rely solely on federal legislation (the Canada Consumer Product Safety Act & Textile Labelling Act) to address consumer product safety. These regulations have been identified as a regulatory burden on business and as a barrier to interprovincial trade by industry groups.	Short Term by 2019
25 <i>New</i>	<i>Technical Safety / Labour Mobility</i>	Harmonization and National Licence for Gas Fitters	The harmonization of Gas Fitter A and B (also known as gas technicians) would streamline and harmonize a range of public policy practices and technical standards applied across jurisdictions to the common workforce and provide more efficient and cost-effective services. The end result would be that those certified as red seal gas fitters would be mobile across jurisdictions and not encounter the barriers that currently exist through various licensing regimes. The principle would be one certification, one license.	Medium Term by 2020

Regulatory Cooperation Items

<i>ITEM</i>	<i>THEME</i>	<i>TOPIC</i>	<i>DESCRIPTION</i>	<i>TARGETED TIMING (SHORT, MEDIUM OR LONG TERM)</i>
1 <i>New</i>	<i>Transport</i>	Truck Driver Certification – Mandatory Entry-Level Training (MELT)	A national mandatory entry level training (MELT) program for commercial drivers in Canada would be expected to improve commercial vehicle safety.	Medium Term by 2020
2 <i>New</i>	<i>Transport</i>	Testing of Automated and Connected Vehicles (AV/CVs)	The technology related to automated vehicles is evolving rapidly. Analysis reveals that Canadian provinces and territories have varying levels of enabling statutes to support AV testing. In 2018, guidelines were published by the Canadian Council of Motor Transport Administrators (CCMTA) and a national policy framework was developed by the Council of Ministers of Transportation (COMT). Regulatory cooperation would potentially see all jurisdictions adopt one set of guidelines for the testing of these vehicles and align formalized permitting practices for testing.	Medium Term by 2020
3 <i>New</i>	<i>Construction</i>	Builders' Lien – Prompt Payment Legislation and Associated Regulations	<p>Prompt payment legislation sets timelines by which construction contracts need to be paid and creates a dispute resolution mechanism to efficiently deal with disputes.</p> <p>This legislation's purpose is to improve the financial stability within the construction industry. Aligning approaches will reduce unnecessary administrative burdens that otherwise might indirectly defeat this purpose.</p> <p>As other jurisdictions consider prompt payment legislation, there may be opportunity at this early stage of development to align regulatory approaches.</p>	Long Term by 2021