

WHEREAS the access ramps of the northeast, northwest, southwest and southeast quadrants of Autoroute 15 known as lots 2 900 173, 2 900 176, 2 900 178, 2 900 181, 2 900 185 and 2 900 189 of the cadastre of Québec, registration division of Laval, were redefined and it is expedient to abandon the management of those lots, which are shown as parcels 1, 2, 3, 4, 5 and 6 on plan XX80-5100-0235 prepared by Benoît Desroches, l.s., under number 11217 of his minutes;

WHEREAS lots 3 003 992, 3 003 994 and 3 003 996 as well as lots 2 900 173, 2 900 176, 2 900 178, 2 900 181, 2 900 185 and 2 900 189 of the cadastre of Québec, registration division of Laval, will no longer be part of Autoroute 15 and it is expedient to declare that those lots are no longer an autoroute so that the Minister of Transport may dispose of them as surplus immovable property in accordance with the Regulation respecting the terms and conditions for the disposal of surplus immovable property of departments and public bodies made by Order in Council 294-98 dated 18 March 1998;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the management of parts of Autoroute 15 known as lots 3 003 992, 3 003 994 and 3 003 996 as well as lots 2 900 173, 2 900 176, 2 900 178, 2 900 181, 2 900 185 and 2 900 189 of the cadastre of Québec, registration division of Laval, be abandoned and that those lots no longer be declared as an autoroute so that the Minister of Transport may dispose of them as surplus immovable property;

THAT the schedules to Orders in Council 292-93 dated 3 March 1993 and 1294-94 dated 17 August 1994 be amended accordingly;

THAT this Order in Council take effect on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 42-2004, 14 January 2004

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

**Occupational health and safety in mines
— Amendments**

Regulation to amend the Regulation respecting occupational health and safety in mines

WHEREAS, under subparagraphs 1, 7, 9, 19, 41 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, under the second paragraph of section 223 of that Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply, and the regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS, under the third paragraph of section 223 of that Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with section 224 of that Act and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 22 January 2003, with a notice indicating that at the expiry of 60 days following that notice, it could be adopted by the Commission, with or without amendment, and submitted to the Government for approval;

WHEREAS the Commission made the Regulation to amend the Regulation respecting occupational health and safety in mines, with amendments, at its meeting of 19 September 2003;

WHEREAS it is expedient to approve the Regulation ;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Regulation respecting occupational health and safety in mines, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety in mines*

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 1, 7, 8, 10, 19, 41, 42, 2nd and 3rd pars.)

1. Section 1 of the Regulation respecting occupational health and safety in mines is amended

(1) by inserting the following definition after “main fan”:

““main ventilation circuit”: all the underground openings used to distribute fresh air from the atmosphere and to discharge foul air to the surface; (*circuit principal de ventilation*)”;

by inserting the following definition after “ASTM”:

““auxiliary circuit”: the path travelled by a volume of air that takes its source from an auxiliary fan supplying air to all the workers and motorized equipment on a site or an underground working, from the main ventilation circuit to its discharge from the auxiliary circuit; (*circuit secondaire*)”;

(2) by inserting the following definition after “surface pillar”:

““working face”: any surface of the working where blasting work is carried out; (*front de taille*)”;

(3) by inserting the following definition after “blasting agent”:

““blasting site”: any location where explosives are present in a drill hole in preparation for blasting; (*lieu de sautage*)”;

(4) by inserting the following definition before “ANSI”:

““air recirculation”: the reintroduction of exhaust air from a main ventilation circuit or an auxiliary circuit in the main circuit; (*recirculation de l’air*)”;

(5) by inserting the following definition after “raise”:

““reuse of air”: the reuse of exhaust air from a main ventilation circuit or an auxiliary circuit to ventilate another ventilation circuit or an underground work station; (*réutilisation de l’air*)”.

2. Section 27 is amended

(1) by inserting “89,” after “87.”;

(2) by replacing “and 412” by “, 412 and 437”.

3. Section 89 is replaced by the following:

“**89.** Main fans and auxiliary fans shall not recirculate air to ventilate an underground work station.

However, reuse of air in a main ventilation circuit or an auxiliary circuit is permitted under the following conditions:

(1) the concentration of carbon monoxide in the ambient air must be measured at the inlet of each circuit where air is reused;

(2) these measurements must be taken at least once a week during mucking operations carried out with diesel equipment and each time the ventilation equipment is altered; and

(3) when the concentration of carbon monoxide exceeds 11.4 milligrams per cubic metre (10 ppm), a response plan must be implemented to reduce and maintain the concentration below that level.

The results of those measurements must be recorded in a register.”.

4. Section 100.1 is amended by replacing “Canadian Centre for Mineral and Energy Technology, CANMET” in the first paragraph by “Mining and Mineral Sciences Laboratories, MMSL-CANMET”.

* The Regulation respecting occupational health and safety in mines, approved by Order in Council 213-93 dated 17 February 1993 (1993, *G.O.* 2, 1757), was last amended by the regulation approved by Order in Council 465-2002 dated 17 April 2002 (2002, *G.O.* 2, 2283). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

5. Section 102 is amended

(1) by replacing “1,5 milligrams” in subparagraph *a* of paragraph 1 by “0.6 milligrams”;

(2) by replacing “Canadian Centre for Mineral and Energy Technology, CANMET” in paragraph 1.1 by “Mining and Mineral Sciences Laboratories, MMSL-CANMET”.

6. Section 124 is amended by adding the following paragraph at the end:

“The report must be forwarded to the mine’s health and safety committee, the Commission de la santé et de la sécurité du travail and the mine rescue department.”.

7. The following is inserted after section 124:

“**124.1.** When a worker has not been reached following the evacuation drill described in section 123, corrective measures must be taken to remedy the situation, and they must be followed up to prevent a recurrence of the situation.”.

8. Section 130 is amended by adding the following after paragraph 14:

“(15) the combustible material warehouse; and

(16) the raise climber.”.

9. Section 133 is amended

(1) by replacing “on any diesel or electric vehicle” in paragraph 1 by “on any motorized vehicle powered by a diesel engine or electric motor.”;

(2) by adding the following after paragraph 2:

“(3) on any raise climber powered by a diesel engine or electric motor; in the case of a diesel engine, the hydraulic fluid used for the climber must comply with the standard referred to in paragraph 1.”.

10. Section 160 is replaced by the following:

“**160.** Every fuel supply system must be

(1) equipped with an anti-siphon device and a flow controller in order to prevent tank overflow; and

(2) designed so that the fuel is never supplied by gravity feed.”.

11. The following is inserted after section 174.01:

“**174.02.** Any motorized vehicle powered by a diesel engine or electric motor must be maintained to prevent accumulation of oil, grease or other combustible materials.”.

12. Section 185 is replaced by the following:

“**185.** For any underground mine and for any new development and its subsequent operation, motorized vehicles manufactured from 1 April 1993 must be protected against falling objects by a protective structure complying with ISO Standard 3449:1992, Earth-moving machinery – Falling-object protective structures – Laboratory tests and performance requirements (FOPS).

The design, manufacturing or installation of a protective structure is deemed carried out in accordance with the standard referred to in the first paragraph if an engineer has issued a signed and sealed certificate certifying that the design, manufacturing or installation of the structure complies with the standards referred to in the first and third paragraphs.

The first paragraph does not apply to motorized vehicles manufactured from 1 April 1993 if those vehicles comply, as of 12 February 2004, with SAE Standard J231-JAN81, Minimum Performance Criteria for Falling Object Protective Structure (FOPS).”.

13. Section 188 is replaced by the following:

“**188.** Any alteration to the structure, chassis, cab, or rollover or falling object protective structure of a motorized vehicle must comply with the standards referred to in sections 183 to 187, SAE Standard J674A (1976), Safety Glazing Materials - Motor Vehicles, and for rigid plastic materials, ANSI Standard Z26.1-1977, Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways.

Any alteration to the structure, chassis, cab or protective structure is deemed carried out in accordance with the standards referred to in the first paragraph if an engineer has issued a signed and sealed certificate certifying that the alteration of the structure, chassis, cab or structure complies with the standards.”.

14. The following is inserted after section 267:

“**267.1.** A voice communication system must be established in shaft sinking operations in accordance with a specific procedure for the use of auxiliary hoists to move heavy equipment used at the bottom of the shaft, such as a work platform, a clamshell or a boom drill. This procedure must also require that the hoistman repeat the instructions.

This communication system must be separate from the system referred to in the second paragraph of section 263.”

15. Section 269 is amended by inserting “for moving a conveyance” after “used”.

16. Section 288.1 is replaced by the following :

“**288.1.** Despite section 288, the minimum safety factor of a new hoisting rope installed on a drum hoist used in a vertical shaft is determined according to the following formula :

$$\text{minimum safety factor} = 25,000/4,000 + L$$

(L being the maximum length of rope in metres suspended below the head sheave where the conveyance is at the lower limit of travel).

In such a case, the following standards must also be met :

(1) the drum hoist must comply with SABS Standard 0294:2000, Code of Practice for the Performance, Operation, Testing and Maintenance of Drum Winders relating to Rope Safety, subject to the adaptation guide of South African Standard SABS0294:2000 in accordance with the Mine Occupational Health and Safety Regulation published by the Mining and Mineral Sciences Laboratories, MMSL-CANMET ; and

(2) the hoisting rope must be used, maintained and checked in accordance with SABS Standard 0293:1996, Code of Practice for the Condition Assessment of Steel Wire Ropes on Mine Winders, subject to the adaptation guide of South African standard SABS0293:1996 in accordance with the Mine Occupational Health and Safety Regulation published by the Mining and Mineral Sciences Laboratories, MMSL-CANMET.

However, the minimum safety factor of a new hoisting rope shall not be reduced to less than 4.0 at the head sheave during the two years following 12 February 2004.”.

17. Section 402 is revoked.

18. Section 418 is amended by deleting the third paragraph.

19. The following is inserted after section 418.1 :

“**418.2.** Despite subparagraph 4 of the second paragraph of section 418, when crushing work is carried out with a stationary crusher, the explosives required for the work may be stored in a recess if the quantity of explosives does not exceed 25 kilograms (55.1 lb.); the provisions of subparagraph 6 of the second paragraph of section 418 do not apply to those explosives.

418.3. Despite section 415 and the second paragraph of section 418, explosives used for a raise carried out by a raise climber may be temporarily stored in a container secured to the basket of the climber under the following conditions :

(1) the raise exceeds 100 metres (328.1 ft.) from its opening ;

(2) the quantity of explosives never exceeds the quantity required for one shift ; however, this quantity must never exceed 100 kilograms (220.5 lb.) ;

(3) the explosives used do not contain nitroglycerine ;

(4) the container used is designed and constructed according to the plans and specifications of an engineer and it must be designed for a fire resistance rating of at least 30 minutes ; and

(5) the electric squibs or detonators are placed in a separate closed container lined with an electric insulation material.”.

20. Section 424 is amended by adding the following after subparagraph *f* of paragraph 1 :

“(g) an oil or grease depot set up from 12 February 2004 containing over 1,000 litres (220 gal.) of oil or grease ; the minimum distance must be 30 metres (98.4 ft.) for a depot containing between 101 and 1,000 litres (between 22.2 and 220 gal.) of oil or grease ;”.

21. Section 426 is amended by adding “Subject to section 418.3,” at the beginning of the section.

22. Section 432 is replaced by the following :

“**432.** Only workers assigned to the handling of explosives in a shaft conveyance may ride in a shaft conveyance with explosives ; the explosives load must be secured so that it will not hit the workers or fall on them.”.

23. Section 433 is amended by replacing “blasting accessories, ignition fuses and other types of explosives” by “explosives and blasting accessories”.

24. Section 434 is amended by replacing “2 500 kilograms (5 511,5 lbs)” in paragraph 3 by “3,000 kilograms (6,614 lb.)”.

25. Section 437 is amended

(1) by replacing the portion before paragraph 1 by the following:

“**437.** Before drilling on a working face of an underground mine, it shall be”;

(2) by adding the following after paragraph 2:

“(3) in the case of the floor of a site where drilling is carried out,

(a) washed in accordance with paragraph 1 or fully cleaned with compressed air; and

(b) examined in accordance with paragraph 2 and the observations must be recorded in a register.”.

26. Section 443 is amended by replacing the second paragraph by the following:

“If the provisions of subparagraph *b* of paragraph 3 of section 437 cannot apply and if the working towards which the working face is moving is inaccessible, drilling must be carried out by means of a remote control device under supervision and the drilling area must be evacuated.”.

27. Section 447 is amended by replacing “onto a blasting site” by “to the loading area”.

28. Section 460 is amended by adding the following after paragraph 4:

“(5) be disconnected from the main circuit when it enters a location such as a tunnel, a sub-level or an abandoned sector of the mine.”.

29. Section 463 is amended by replacing paragraph 3 by the following:

“(3) where a worker must remain in the blasting area, the worker must be provided with a shelter that protects against fly-rock; the location, design or construction of the shelter must be certified by a certificate signed and sealed by an engineer.”.

30. Section 465 is replaced by the following:

“**465.** Before firing underground,

(1) a warning must be given in the blasting area by an audible, visual or vocal signal and workers not assigned to the firing must be evacuated from that area; and

(2) when a worker must remain in the blasting area, the worker must be provided with a shelter that protects against fly-rock; the location, design or construction of the shelter must be certified by a certificate signed and sealed by an engineer.”.

31. Schedule II is amended by adding the following at the end:

“Shaft sinking/bucket

3 bells – pause – 1 bell	Hoist	Executive, between the bottom of the shaft and the lower chair
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3 bells – pause – 2 bells	Lower	Executive, between the lower chair and the bottom of the shaft.”.
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32. Schedule III is amended by adding the following at the end of the first paragraph: “In addition, the signals must also serve as destination signals for the lower chair level towards which the workers are descending during the sinking of a shaft:”.

33. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 46-2004, 21 January 2004

An Act respecting the Agence nationale d’encadrement du secteur financier
(R.S.Q., c. A-7.03)

Regulation 3 under section 746 of the Act

Regulation 3 under section 746 of the Act respecting the Agence nationale d’encadrement du secteur financier

WHEREAS the Act respecting the Agence nationale d’encadrement du secteur financier (2002, c. 45) was assented to on 11 December 2002;