26. Before renewing certification, the Minister must assess the certified body's past record in intercountry adoptions and the situation in the State of origin concerned. For that purpose the Minister may consult the competent adoption or immigration authorities.

The Minister must consider such factors as

(1) the number of adoptions that have taken place and the conduct of the process in those adoptions;

(2) the number of complaints made against the certified body;

(3) the notices of non-compliance entered in the certified body's file;

(4) the certified body's relations with the institutions and public or private authorities in the State of origin concerned; and

(5) the certified body's relations with the Minister and the competent adoption or immigration authorities in Québec.

DIVISION 4
LIST OF OFFENCES

27. For the purposes of paragraph 6 of section 71.23 of the Act, the offences that may lead the Minister to suspend, revoke or refuse to renew certification are the following, whether committed in Québec or abroad:

(1) an offence with violence or of a sexual nature;

(2) an offence relating to child protection;

(3) an offence relating to the falsification of documents, fraud, false pretenses, theft, false representation or corruption;

(4) a criminal organization offence;

(5) an offence relating to privacy or the protection of personal information; and

(6) an offence relating to the possession, trafficking, importing or exporting of weapons, drugs or other illicit substances.

The certified body, and any officer, manager or director wishing to remain in office, must without delay notify the Minister of any conviction for an offence listed in the first paragraph and as soon as feasible provide the Minister with any document or information enabling the Minister to make an enlightened decision regarding the suspension or revocation of certification or refusal to renew certification.

DIVISION 5
COMING INTO FORCE

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

7002

Draft Regulation

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

Occupational health and safety
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation to amend the Regulation respecting occupational health and safety, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to ensure the health and safety of workers by amending the Regulation respecting occupational health and safety.

To that end, it proposes to amend certain provisions respecting air quality and certain lifting apparatus, such as fork lift trucks and aerial basket lifting devices. It also proposes the addition of certain provisions concerning the minimum age and the training of fork lift truck and aerial basket lifting device operators. It provides for amendments to Parts 1 and 4 of Schedule I concerning certain substances and their characteristics. It also provides for additional safety measures concerning work in enclosed spaces and welding and cutting operations. In addition, it makes a reference to the most recent standard concerning safety shoes.

To date, study of the matter has shown little impact on enterprises and in particular on small and medium-sized businesses.

Further information may be obtained by contacting Louis Tremblay, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2. Telephone: (418) 266-4699; fax: (418) 266-4698.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Alain Albert, Vice-chair, Relations with partners and consultants, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14e étage, Montréal (Québec) H3B 3J1.

GÉRARD BIBEAU,
Chairman of the Board
and Chief Executive Officer
Commission de la santé et de la
sécurité du travail

Regulation to amend the Regulation respecting occupational health and safety*

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

1. The Regulation respecting occupational health and safety is amended by replacing sections 58 and 59 by the following:

"**58. Collection and processing systems**: In addition to the requirements of section 108, every blower, conveyor, transfer or processing system for pulverized combustible dust and any other suspended matter presenting a fire or explosion hazard must be designed, built, installed, operated and maintained in compliance with the following standards according to their respective application:

(1) NFPA Standard 61-2002 Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities;

(2) NFPA Standard 484-2002 Combustible Metals, Metal Powders and Metal Dusts;

(3) NFPA Standard 664-2002 Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities.

For any other field of application, the system must comply with NFPA Standard 654-2000 Prevention of Fires and Dust Explosions from the Manufacturing, Processing and Handling of Combustible Particulate Solids.

Any system referred to in the first paragraph installed before (*insert the date of coming into force of this Regulation*) must comply with one of those standards or with the standard applicable at the time of the installation of the system.

59. Enclosed dust collectors: Every enclosed collector for combustible dust or any other suspended matter presenting a fire or explosion hazard must

(1) be designed, manufactured and maintained according to the rules of the trade; and

(2) be placed and installed

(*a*) outside a building if provided with explosion vents in compliance with NFPA Standard 68-1998 Guide for Venting of Deflagrations; vents already installed on collectors on (*insert the date of coming into force of this Regulation*) must also comply with that standard or with the standard applicable at the time of installation of the vents and be in good order;

(*b*) inside a building in either of the following cases:

i. if adjacent to an outside wall or ceiling towards which the explosion vents are channelled by explosion proof ducts and if they comply with NFPA 68-1998 Guide for Venting of Deflagrations; vents already installed on the collectors on (*insert the date of coming into force of this Regulation*) must also comply with that standard or with the standard applicable at the time of the installation of the vents and be in good order; or

ii. if equipped with an automatic explosion prevention system in compliance with NFPA Standard 69-2002 Explosion Prevention Systems; the automatic prevention systems installed on the collectors as of (*insert the date of coming into force of this Regulation*) must also comply with that standard or with the standard applicable at the time of the installation of the systems and be in good order.

59.1 Open Dust Collectors: Every open collector for combustible dust or any other suspended matter presenting a fire or explosion hazard and used in the wood industry may be placed and installed inside a building

(1) if it is not connected to a sander or abrasive planer with mechanical feed;

(2) if its capacity does not exceed 2.4 cubic metres per second;

* The Regulation respecting occupational health and safety approved by Order in Council 885-2001 dated 4 July 2001 (2001, *G.O.* 2, 3888) has not been amended since its approval.

(3) if the fan motor is designed for Class II or III locations according to the Canadian Electrical Code, First Part, Nineteenth Edition, CSA Standard C22-10-04 with Québec Amendments;

(4) if installed less than 6 metres from a work station, a travelway or an emergency exit, unless a risk analysis made by an engineer or the manufacturer allows for the installation of a firewall or anti-blast wall between the station, the travelway or the exit and the open dust collector, if it is not possible to comply with that distance;

(5) where there is more than one open dust collector, if the collectors are at least 6 metres apart, unless a risk analysis made by an engineer or the manufacturer allows for the installation of a firewall or anti-blast wall between the collectors, if it is not possible to comply with the distance; and

(6) if it is emptied as needed sufficiently often to ensure safety and collecting efficiency.

For the purposes of this section, "open dust collector" means equipment for the separation of air from solid particles designed and used to remove dust and having the following features:

(1) filtering is done by dust-laden air passing through a filtering element that gathers dust inside the filter and allows clean air to return to the ambient air;

(2) the filtering element is not enclosed or installed in a rigid casing;

(3) the filtering element is not shaken mechanically or by pulsed air jets;

(4) the filtering element is under positive pressure; and

(5) the cleaning of collected dust is neither continuous nor mechanical.".

2. Section 82 is amended by replacing "the standard Flammable and Combustible Liquids Code NFPA 30-1996" at the end of the first paragraph by "NFPA Standard 30-1996 Flammable and Combustible Liquids Code".

3. Section 200 is amended by replacing the title "Precautions" by "Installing and using grinding wheels".

4. The Regulation is amended by inserting the following after section 256:

"**256.1. Lift truck operator retention device**: A counterbalanced high-lift truck with a centre operating station, that cannot be lifted with the operator in a sitting position, referred to in the second paragraph of section 256, shall be equipped with a retention device, such as a safety belt, mesh doors, enclosed cabin, bucket seat or winged chair to prevent the operator from being crushed by the structure of the truck in the event the lift truck tips over.

256.2. Minimum age of operator: Every operator of a fork lift truck must be at least 16 years old.

256.3. Training of operator: A fork lift truck must be operated only by an operator who has undergone

(1) training including

(*a*) basic notions concerning fork lift trucks;

(*b*) the work environment and how it affects the operation of a fork lift truck;

(*c*) the operation of a fork lift truck; and

(*d*) safety rules and measures; and

(2) practical training under the supervision of an instructor and dealing with the operation of a fork lift truck such as starting, moving and stopping, handling loads and any other manoeuvre necessary to operate a fork lift truck.

The practical training must begin, if possible, outside of the area used for current operations and then be completed in the regular work area.

In addition, the training prescribed in subparagraphs 1 and 2 must include the directives concerning the work environment, its specific conditions and the type of fork lift truck to be operated. ".

5. Section 261 is amended

(1) by striking out "a lift truck or" in the first paragraph;

(2) by adding the following paragraph at the end:

"The lifting of a worker using a fork lift truck must be done in compliance with ASME Standard B56.1 (1993-A.1995) Safety Standard for Low Lift and High Lift Trucks.".

6. Sections 262 and 263 are replaced by the following:

"**262. Aerial basket lifting device**: Every aerial basket lifting device must be designed, manufactured and installed on a carrier vehicle in compliance with CSA Standard C225 or ANSI Standard A92.2 applicable at the time of its manufacture.

263. Aerial basket lifting device – design and manufacture: Every aerial basket lifting device designed and manufactured before November 1976 must

(1) be equipped with an emergency stop button located within reach of the worker occupying the basket; and

(2) be installed on a carrier that must provide a stable and structurally sound support when the basket is used.

263.1. Aerial basket lifting device – training: Every operator of an aerial basket lifting device must undergo training in compliance with articles 10.11 and 10.11.3 of CSA Standard C225-00 Vehicle-Mounted Aerial Devices and more specifically on the operating methods related to the operation in motion of the carrier vehicle of the aerial basket lifting device.".

7. Section 306 is amended by replacing subparagraph 3 of the first paragraph by the following:

"(3) if the workers leave the enclosed area and the work site, even momentarily, unless continuous monitoring is maintained.".

8. Section 311 is amended by replacing "filling" by "the operations".

9. Section 319 is replaced by the following:

"**319. Antiback-up arresters**: The oxygen lead hose and the combustible gas lead hose to a torch must be equipped with at least one antiback-up gas arrester and one antiback-up flame arrester. The arresters must be installed in compliance with the manufacturer's instructions.".

10. Section 344 is amended by replacing "the CSA Z195-M92 Safety Footwear standard" by "CAN/CSA Standard Z195-02 Protective Footwear".

11. **Part 1** of **SCHEDULE I** is amended

(1) by inserting, in alphabetical order, the following substances and their characteristics in replacement of the substances of the same name and their characteristics:

Substance	[#CAS]	TWAEV ppm	TWAEV mg/m³	STEV/Ceiling ppm	STEV/Ceiling mg/m³	Designation and remarks
"Acetaldehyde	[75-07-0]			C25	C45	***C3,RP***
Acetone	[67-64-1]	500	1190	1000	2380	
Beryllium [7440-41-7], metal and compounds (as Be)			0.00015			***C1,RP,EM,S***
2-Butoxyethanol	[111-76-2]	20	97			
n-Butyl acrylate	[141-32-2]	2	10			
Calcium carbonate	[471-34-1]		10			***Td***
Cumene	[98-82-8]	50	246			
p-Dichlorobenzene	[106-46-7]	20	120			***C3***
Dimethylamine	[124-40-3]	5	9			
N,N-Dimethylformamide	[68-12-2]	10	30			***Pc***
Dinitrotoluene	[25321-14-6]		0.2			***Pc,C3***
Dioxane	[123-91-1]	20	72			***Pc,C3***
Dipropylene glycol monomethyl ether	[34590-94-8]	100	606	150	909	***Pc***
Ethyl acrylate	[140-88-5]	5	20	15	61	***C3,S***
Ethylenediamine	[107-15-3]	10	25			***Pc***

Substance	[#CAS]	TWAEV ppm	TWAEV mg/m³	STEV/Ceiling ppm	STEV/Ceiling mg/m³	Designation and remarks
Fibres-Artificial Vitreous Mineral Fibres						
Insulation wool fibres, Glass wool (note 4)			2 fibre/cm³			
Insulation wool fibres, Rock wool (note 4)			1 fibre/cm³			
Insulation wool fibres, Slag wool (note 4)			1 fibres/cm³			
Glutaraldehyde	[111-30-8]			C0.1	C0.41	***RP,S***
n-Hexane	[110-54-3]	50	176			***Pc***
Limestone	[1317-65-3]		10			***Td, note 1***
Methyl acrylate	[96-33-3]	2	7			***Pc,S***
Methyl methacrylate (monomer)	[80-62-6]	50	205			***S***
Phenyl glycidyl ether (PGE)	[122-60-1]	0.1	0.61			***Pc,S,C3***
Picric acid	[88-89-1]		0.1			
Sodium hydroxide	[1310-73-2]				C2	***RP***
Terphenyls	[26140-60-3]			C0.53	C5	***RP***
Tetranitromethane	[509-14-8]	0.005	0.04			***C2,EM***
Vanadium pentoxide, fume and respirable dust (as V_2O_5)	[1314-62-1]				C0.05	***RP***
Vinyl chloride (monomer)	[75-01-04]	1	2.6			***C1,RP,EM***" ;

(2) by inserting, in alphabetical order, the following substances and their characteristics :

Substance	[#CAS]	TWAEV ppm	TWAEV mg/m³	STEV/Ceiling ppm	STEV/Ceiling mg/m³	Designation and remarks
"Calcium chromate (as Cr)	[13756-19-0]		0.001			***C2,RP,EM***
Chromium (VI) compounds water insoluble (as Cr)			0.01			***C1,RP,EM,S***
Chromium (VI) compounds water soluble (as Cr)			0.05			***C1,RP,EM,S***
Graphite (all forms except fibers)	[7782-42-5]		2			***Rd, note 1***
Lead [7439-92-1], and inorganic compounds (as Pb)			0.05			***C3***
Lead chromate (as Cr)	[7758-97-6]		0.012			***C2,RP,EM***
Mercury [7439-97-6], aryl compounds (as Hg)			0.1			***Pc***
Mercury [7439-97-6], inorganic compounds (as Hg)			0.025			***Pc***
Mercury [7439-97-6], mercury vapor (as Hg)			0.025			***Pc***

Substance	[#CAS]	TWAEV ppm	TWAEV mg/m³	STEV/Ceiling ppm	STEV/Ceiling mg/m³	Designation and remarks
Pentyl acetates						
n-Amyl acetate	[628-63-7]	50	266	100	532	
sec-Amyl acetate	[626-38-0]	50	266	100	532	
Isoamyl acetate	[123-92-2]	50	266	100	532	
tert-Amyl acetate	[625-16-1]	50	266	100	532	
2-Methyl-1-butanol acetate	[624-41-9]	50	266	100	532	
3-Pentyl acetate	[620-11-1]	50	266	100	532	
Strontium chromate (as Cr)	[7789-06-2]		0.0005			***C2,RP,EM***
TGIC			See Triglycidyl isocyanurate			
Triglycidyl isocyanurate (TGIC) (alpha-)	[59653-73-5]		0.05			
Triglycidyl isocyanurate (TGIC) (beta-)	[59653-74-6]		0.05			
Triglycidyl isocyanurate (TGIC) (mixed isomers)	[2451-62-9]		0.05			
Zinc chromates [13530-65-9; 11103-86-9; 37300-23-5] (as Cr)			0.01			***C1,RP,EM,S***" ;

(3) by striking out the following substances and their characteristics:

Substance	[#CAS]	TWAEV ppm	TWAEV mg/m³	STEV/Ceiling ppm	STEV/Ceiling mg/m³	Designation and remarks
"n-Amyl acetate	[628-63-7]	100	532			
sec-Amyl acetate	[626-38-0]	125	665			
Isoamyl acetate	[123-92-2]	100	532			
Chromium (II) compounds (as Cr)			0.5			
Chromium (VI) compounds Certain water insoluble (as Cr)			0.05			***C1,RP,EM***
Chromium (VI) compounds Water soluble (as Cr)			0.05			
Graphite (natural)	[7782-42-5]		2.5			***Rd, note 1***
Graphite (synthetic, except fibers)			5			***Rd, note 1***
Mercury [7439-97-6], all forms except alkyl compounds (as Hg)						
Aryl and inorganic compounds			0.1			***Pc***
Mercury vapor			0.05			***Pc***

Substance	[#CAS]	TWAEV ppm	TWAEV mg/m³	STEV/Ceiling ppm	STEV/Ceiling mg/m³	Designation and remarks
Lead [7439-92-1] and inorganic compounds, dusts and fumes (as Pb)			0.15			
Lead chromate (as Cr)	[7758-97-6]		0.012			***C2,RP,EM***
Zinc chromates [13530-65-9; 11103-86-9; 37300-23-5] (as Cr)			0.01			***C1,RP,EM*** ”;

(4) by replacing, in the English text, “Acetone cyanohydrin” by “Acetone cyanohydrin (as CN)” and “Systox *See* Demeton 7” by “Systox *See* Demeton ®”.

12. **Part 4** of **SCHEDULE I** is amended

(1) by inserting the following substances in numerical order

“471-34-1	Calcium carbonate
620-11-1	3-Pentyl acetate
624-41-9	2-Methyl, 1-butanol acetate
625-16-1	Tert-amyl acetate
1317-65-3	Limestone
2451-62-9	Triglycidyl isocyanurate (TGIC) (mixed isomers)
7782-42-5	Graphite (all forms except fibres)
7789-06-2	Strontium chromate
13756-19-0	Calcium chromate
59653-73-5	Triglycidyl isocyanurate (TGIC) (alpha-)
59653-74-6	Triglycidyl isocyanurate (TGIC) (beta-)”;

(2) by striking out

“ 1317-65-3	Calcium carbonate
7782-42-5	Graphite (natural)”.

13. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 256.1 and 261 which come into force on the date that occurs one year after the coming into force of this Regulation. The substance Lead [7439-92-1] and its inorganic compounds (as Pb) in **PART 1** of **SCHEDULE 1** comes into force on the date that occurs one year after the coming into force of the Regulation to the extent that it applies to secondary lead smelters.

For the purposes of this section, “secondary lead smelter” means any plant or factory in which lead-bearing scrap or lead-bearing materials, other than lead-bearing concentrates derived from a mining operation, are processed by metallurgical or chemical process into refined lead, lead alloys or lead oxide.

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