Regulations and other acts

Gouvernement du Québec

O.C. 1120-2006, 6 December 2006

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

Occupational health and safety — Amendments

Regulation to amend the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 1, 3, 7, 19 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 the 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 the 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 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, a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 3 August 2005 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation to amend the Regulation respecting occupational health and safety, with amendments, at its meeting of 20 April 2006;

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, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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, used 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.

* 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.

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

Any system referred to in the first paragraph installed before 4 January 2007 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 4 January 2007 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 Standard 68-1998 Guide for Venting of Deflagrations; vents already installed on the collectors on 4 January 2007 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 4 January 2007 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;

(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 it is emptied as needed sufficiently often to ensure safety and collecting efficiency;

(5) if installed at least 6 metres from a work station, a travelway or an emergency exit, unless a protective blast screen, such as a steel sheet, a fire-resistant synthetic sheet or a gypsum wall, is installed between the station, the travelway or the exit and the open dust collector if it is not possible to comply with that distance; and

(6) where there is more than one open dust collector, if the collectors are at least 6 metres apart, unless a protective blast screen, such as a steel sheet, a fire-resistant synthetic sheet or a gypsum wall is installed between the collectors if it is not possible to comply with that distance.

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, must be equipped with a retention device, such as a safety belt, mesh doors, enclosed cabin, bucket seat or winged seat to prevent the operator from being crushed by the structure of the truck in the event the lift truck tips over.

The devices must, where applicable, be kept in good order and used.

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 paragraphs 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.

Each worker must wear a safety harness that complies with sections 347 and 348.".

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 worker operating an aerial basket lifting device must undergo training in compliance with articles 10.11 to 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***
Fibres-artificial vitreous mineral fibres						
Insulation wool fibres, glass wool (note 4)			1 fibre/cm³			
Insulation wool fibres, rock wool (note 4)			1 fibre/cm³			
Insulation wool fibres, slag wool (note 4)			2 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			

Substance	[#CAS]	TWAEV ppm	TWAEV mg/m³	STEV/Ceiling ppm	STEV/Ceiling mg/m³	Designation and remarks
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***
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)	[13765-19-0]		0.001			***C2,RP,EM***
Chromium VI, water insoluble inorganic compounds (as Cr)			0.01			***C1,RP,EM,S***
Chromium VI, water soluble inorganic compounds (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***
Marble		See Limestone				
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***
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-butyl	[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			

Substance	[#CAS]	TWAEV ppm	TWAEV mg/m³	STEV/Ceiling ppm	STEV/Ceiling mg/m³	Designation and remarks
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, certain water insoluble compounds (as Cr)			0.05			***C1,RP,EM***
Chromium VI, water soluble compounds (as Cr)			0.05			
Graphite (natural)	[7782-42-5]		2.5			***Rd, note 1***
Graphite (synthetic, except fibers)			5			***Rd, note 1***
Marble		See calcium carbonate				
Mercury [7439-97-6], all forms except alkyl compounds (as Hg)						
Aryl and inorganic compounds			0.1			***Pc***
Mercury vapor			0.05			***Pc***
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-butyl 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
13765-19-0	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, introduced or amended respectively by sections 4 and 5 of this Regulation, 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 I 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 establishment that processes a material containing lead, other than a lead concentrate derived from a mine, by a metallurgical or chemical process into refined lead, lead oxide or a lead alloy.

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Notice

Code of Civil Procedure
(R.S.Q., c. C-25)

Court of Appeal of Québec
— Adoption of the Rules in Civil Matters

At a meeting held for that purpose in Montréal on April 17, 2006 by the judges of the Court of Appeal, pursuant to article 47 of the Code of Civil Procedure (R.S.Q., c. C-25), the Rules of the Court of Appeal in Civil Matters were discussed and adopted unanimously, in their final version, both in English and in French. The Rules of the Court of Appeal of Québec in Civil Matters are from now on those annexed to the present notice. These rules replace the Rules of Practice of the Court of Appeal of Québec in Civil Matters adopted on October 16, 17 and 18, 2002 (2002, *G.O.* 2, 6295).

At the same meeting, the judges of the Court of Appeal ordered that these rules govern civil matters from the date of their coming into force on January 1, 2007.

J. J. MICHEL ROBERT,
Chief Justice of the
Quebec Court of Appeal

Rules of the Court of Appeal of Québec in Civil Matters

PART 1
DEFINITIONS

1. The following definitions apply in these Rules:

"Attorney" An attorney who is a member in good standing of the Barreau du Québec

"Court" Depending on the context, the Court of Appeal, or the Court sitting in a panel of three judges, unless the Chief Justice increases that number.

"Office of the Court" A registry located at the seats of the Court of Appeal in Montréal at édifice Ernest-Cormier, 100, rue Notre-Dame Est, Montréal (Québec) H2Y 4B6 and in Québec at 300, boulevard Jean-Lesage, Québec (Québec) G1K 8K6.

"Clerk" A public servant in the employ of the ministère de la Justice, appointed to serve at the Court of Appeal pursuant to the Courts of Justice Act, R.S.Q., c. T-16.

"Judge" A judge of the Court of Appeal.