

Gouvernement du Québec

**O.C. 221-2009**, 12 March 2009

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, 8, 10, 14, 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 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 October 2007 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, at its sitting of 19 June 2008, the Commission made the Regulation to amend the Regulation respecting occupational health and safety in mines, with amendments;

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.

GÉRARD BIBEAU,  
*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, 14, 19, 41 and 42, 2nd and 3rd pars.)

**1.** The Regulation respecting occupational health and safety in mines is amended in section 1

(1) by inserting the following definition in alphabetical order:

““remote controlled equipment”: any equipment operated by a remote control system; (*équipement télécommandé*)”;

(2) by inserting the following definition in alphabetical order:

““remote control system”: any system having a remote control and the components required to control the equipment remotely; the system consists of a transmitter, a receiver and, where applicable, an interface; (*système de télécommande*)”;

(3) by inserting the following definition in alphabetical order:

““remote control”: a device consisting of a transmitter, a link and a receiver that controls the movement of equipment at a distance; a remote control is termed “wired” when the link is through cables, hosing or flexible piping, and “wireless” when the link is a hertzian, optical or ultrasonic transmission; (*télécommande*)”.

**2.** Section 27 is amended by replacing “, 437 and 476.1” by “, 437, 453.2 and 476.1”.

**3.** Section 27.1 is amended

\* 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 119-2006 dated 28 February 2006 (2006, *G.O.* 2, 1066). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

(1) by replacing “following 16 May 2002” in the first paragraph by “after 9 April 2009”;

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

“A person who has undergone training in accordance with Modules U0000 to U0010 of the Ontario Training and Adjustment Board is exempt from the conditions prescribed in the first and second paragraphs, except training in accordance with Module I.”.

**4.** Section 27.2 is amended

(1) by inserting “manually operated” in the part preceding subparagraph 1 of the first paragraph after “using”;

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

“A person who has undergone training in accordance with Modules U0000 to U0010 of the Ontario Training and Adjustment Board is exempt from the conditions prescribed in the first and second paragraphs, except the training in accordance with Module I referred to in section 27.1.”.

**5.** Section 133 is amended by replacing subparagraph 5 of the first paragraph by the following:

“(5) on every motorized vehicle powered by a diesel engine used in the supply of magazines or the loading of explosives underground;”.

**6.** Section 142.2 is amended by replacing the first paragraph by the following:

“Every gas-fired heating system shall be inspected at least once a week while in service and shall be checked at least once a year before the heating season by a person holding the appropriate certificate of qualification issued under the Act respecting manpower vocational training and qualification (R.S.Q., c. F-5).”.

**7.** Section 155 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“Combustible liquids and grease stored underground shall be kept in a depot”;

(2) by replacing paragraph 1 by the following:

“(1) identified by a sign bearing the words “LIQUIDES COMBUSTIBLES ET GRAISSES” in reflective paint in letters at least 150 millimetres (5.9 inches) high on a contrasting background, affixed to the wall of the depot;”;

(3) by replacing “oil or grease” at the end of paragraph 6 by “combustible liquids and grease”;

(4) by replacing paragraphs 7 and 8 by the following:

“(7) located at least 60 metres (196.9 feet) from a shaft, shaft station, explosives magazine, emergency exit, transformer room or enclosure, lunchroom or refuge station, except if the depot was laid out before 1 April 1993;

(8) with a self-closing fire door having a fire resistance rating of at least one and a half hours or a device having a similar resistance;

(9) laid out so that any combustible liquid leak from a tank is contained in a basin having a capacity at least equal to that of the largest tank in the depot;

(10) provided with pans to be used during a transfer to catch any combustible liquid that may be accidentally spilled;

(11) provided, where applicable, with a level control device preventing the transfer of diesel fuel from the surface when the tank is full;

(12) having a smooth, easy-to-clean floor without depressions in which combustible liquid could accumulate;

(13) ventilated in accordance with subsection 4.4.2 of NFPA 30-1996, Flammable and Combustible Liquids Code; and

(14) provided with a minimum quantity of 25 kilograms (55.1 pounds) of absorbent.”;

(5) by adding the following paragraphs:

“Subparagraph 6 of the first paragraph does not apply to a diesel fuel depot existing on 9 April 2009.

This section applies to depots storing 101 litres (22.2 gallons) or more of combustible liquids and grease, except subparagraph 8 of the first paragraph which applies only to depots storing 501 litres (110 gallons) or more.”.

**8.** Section 165 is revoked.

**9.** Section 192 is amended by replacing the second paragraph by the following:

“Such systems must be designed so that any failure of the system that could lead to loss of control of the moving vehicle causes the vehicle to stop immediately.”.

**10.** The following is inserted after the heading of subdivision 5 of Division VI:

“**209.1.** The provisions of this subdivision apply, subject to the following exceptions:

(1) a wired remote control is not subject to subparagraphs 2 and 3 of the first paragraph of section 211 or sections 212 to 214;

(2) a remote controlled door is not subject to sections 210 and 210.1 or subparagraphs 1 and 3 to 5 of the first paragraph of section 211;

(3) a travelling crane is not subject to paragraphs 2 and 3 of section 210, section 210.1, subparagraphs 1 and 3 of the first paragraph of section 211 or subparagraph 2 of the second paragraph of section 214;

(4) rail-bound equipment is not subject to subparagraph 3 of the first paragraph of section 211, in which case the equipment operator must stay clear of the track.”.

**11.** Section 210 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“Equipment controlled by a wired or wireless remote control used in a mine or at a work site shall be”;

(2) by replacing paragraphs 2 and 3 by the following:

“(2) used within the operator’s sight, except

(a) where a camera system is used; or

(b) where a robot system is used, in which case access to the work site where the system is used must be barricaded and under surveillance, in particular by a camera system or a motion detector; and

(3) identifiable by means of a sign at the surface or a flashing light and a sign underground, placed at the entrance to the work site; in addition, any other access to the remote controlled equipment must be under surveillance or barricaded.”.

**12.** Section 211 is amended

(1) by replacing “The remote control of a piece of” in the part preceding subparagraph 1 of the first paragraph by “The remote control system for”;

(2) by replacing “munie” and “lorsqu’elle” in the French text of subparagraph 1 of the first paragraph by “muni” and “lorsqu’il”, respectively;

(3) by adding the following at the end of subparagraph 2 of the first paragraph after “equipment”:

“; however, in the case of fixed equipment such as a door, a gate or a chimney cover, the same frequency may be used to operate more than one piece of equipment of that type if

(a) the range of the transmitter is adjusted so that it cannot operate more than one receiver at a time;

(b) the remote controlled equipment is within the view of the operator; and

(c) a sign is affixed to or posted near the remote controlled equipment indicating that the equipment may be remotely activated;”;

(4) by replacing “munie” in the French text of subparagraph 3 of the first paragraph by “muni”;

(5) by replacing “munie” in the French text of subparagraph 4 of the first paragraph by “muni”;

(6) by replacing subparagraph 5 of the first paragraph by the following:

“(5) be disconnected and locked by a safety device when not in use;

(6) be designed so that it is impossible to remotely control if a command is pressed upon activation;

(7) be inspected for proper functioning by the operator prior to use; and

(8) have analogue controls on the manual controls in terms of function, arrangement and operating direction;”;

(7) by striking out the second paragraph.

**13.** The following is inserted after section 211:

“**211.1.** The remote control must stop or put in neutral the remote controlled equipment when at least one of the following malfunctions occurs on the remote control:

(1) loss of the nominal voltage recommended by the manufacturer;

(2) discrepancy between the status of the output relay and the input signal at the receiver;

(3) reception of two conflicting signals, in particular as regards the forward/reverse command;

(4) reception of parasitic or altered signals; and

(5) loss of transmitter signal for the period of time recommended by the manufacturer.”.

**14.** Section 212 is replaced by the following:

“**212.** No wireless remote control shall be capable of inadvertently firing a detonator.”.

**15.** The following is inserted after section 213:

“**213.1.** A remote control system must be supplied with the following instructions and information:

(1) the name of the manufacturer, the information required under section 214 pertaining to the remote control model, the configuration diagram and specifications such as nominal voltage, output power and transmitter range, operating temperature range and mass of the remote control station;

(2) precautions pertaining to the installation and connections of the system’s components;

(3) indications regarding the function and location of control knobs;

(4) instructions regarding the safe operation of the system; and

(5) the manufacturer’s recommendations and warnings for system adjustments, maintenance, alterations and repairs.

The instructions and information required by the first paragraph shall be kept on the mine site and be available to users in the French language.”.

**16.** Section 214 is replaced by the following:

“**214.** All information regarding a remote control system such as brand, model, serial number, frequency used, seal numbers, name of the person in charge of the adjustments, maintenance, alterations or repairs and results of the adjustments, maintenance, alterations or repairs must be entered in the work station register for equipment remote control systems.

In addition, the adjustments, maintenance, alterations or repairs to a remote control system must

(1) comply with the requirements of the manufacturer and be carried out by a qualified person;

(2) be tested first on a test bed and then on the equipment on which the system is installed in compliance, in the latter case, with subparagraph 3 of the first paragraph of section 211;

(3) be carried out after ensuring that the remote controlled equipment cannot be inadvertently activated; and

(4) be such that the elements permitting adjustment, maintenance or alteration of the safety parameters including frequency are sealed.”.

**17.** The following is inserted after section 216:

“**216.1.** Where at least one programmable control system is used to implement protection on the hoist safety circuit, the requirements in the RF-412 data sheet entitled “Safety of Mine Hoists Controlled by Programmable Systems”, published by the Institut de recherche Robert-Sauvé en santé et sécurité du travail, must be complied with.”.

**18.** Section 219 is amended by inserting “and thereafter at intervals not exceeding 5 years,” after “time”.

**19.** The following is inserted after section 228:

“**228.1.** When manually operating a hoist, the operator shall not simultaneously perform other tasks.”.

**20.** Section 232 is amended by adding the following paragraph at the end:

“(10) a slack rope device or a device providing equivalent safety.”.

**21.** Section 250 is amended by inserting the following after the second paragraph:

“Where a hoist has more than 2 braking systems for a single drum or for a friction hoist, the braking capacity must be such that the drum or friction hoist can be stopped even if one of the braking systems fails.”.

**22.** Section 253 is amended by striking out the second and third paragraphs.

**23.** Section 260 is amended by replacing “sound” by “be activated”.

**24.** Section 288 is amended

(1) by adding “subject to paragraph 4,” at the beginning of paragraph 3;

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

“(4) at least 5.0 at the headsheave when an overload protection device is used continuously, the service load consisting of the mass of the counterweight or conveyance added to the mass loaded in the conveyance and the mass of the part of the rope located between the headsheave and the conveyance.”.

**25.** Section 329 is replaced by the following:

“**329.** The data relating to the quick release test, including data relating to the total distance of the conveyance’s fall and the distance travelled by the conveyance after the safety catches engage shall be collected in accordance with a recognized computation method.

The data and the reference source for the computation method shall be entered in the work station register referred to in section 344 for hoisting equipment.”.

**26.** Section 336 is amended by inserting “or persons and materials” after “equipment”.

**27.** Section 404 is amended by replacing the part preceding paragraph 1 by the following:

“No explosive shall be used if its original wrapping or container does not bear, legibly printed or marked, the following information:”.

**28.** Section 415 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“Subject to section 416.1, the second paragraph of section 418 and section 423, explosives located underground or on the surface shall be under the supervision of a worker designated for that purpose and stored in magazines that”;

(2) by adding the following after paragraph 5:

“(6) permit, where applicable, the use of forklifts and ES type transpallet trucks as defined in the UL 583-1991 Standard for Electric-Battery-Powered Industrial Truck for the handling of explosives in the magazine.

The motorized vehicles referred to in subparagraph 6 of the first paragraph

(1) must not be left unattended; and

(2) must be parked outside the magazine when they are not in use.”.

**29.** The following is inserted after section 415.1:

“**415.2.** Despite the second paragraph of section 415.1 and section 418, a storage site must be provided with an automatic extinguishing system when motorized vehicles or pumping equipment that could not be completely emptied of their explosives content are parked on the site.

**415.3.** An explosives magazine may be used to store water-based bulk explosive tanks.

However, if the tanks are made of sparking components, they shall be stored only in magazines used to store portable tanks of water-based bulk explosives.”.

**30.** The following is inserted after section 416:

“**416.1.** If emulsion-type bulk explosives are stored in a tank or portable tank on the surface, away from explosives manufacturing sites, the following conditions must be complied with:

(1) the storage area must

(a) be fenced in accordance with section 47 and its access locked;

(b) be clearly identified by red signs posted on the fence on which the word “EXPLOSIFS” is to be printed in white letters at least 102 millimetres (4 inches) high;

(c) comply with paragraphs 1, 2 and 5 of section 416; and

(d) be inspected on a weekly basis and a written report on the inspection must be made immediately and kept on the mine site;

(2) a container made of non-sparking material and having a rigid cover must

(a) be available in the storage area;

(b) be used exclusively to store explosives that were accidentally spilled and contaminated wastes such as gloves and paper; and

(c) be clearly identified by the word “EXPLOSIFS” written on a contrasting background in letters at least 102 millimetres (4 inches) high; and

(3) the explosives accidentally spilled and the contaminated wastes must

(a) be collected with non-sparking tools; and

(b) be destroyed using the method indicated by the manufacturer.”.

**31.** Section 418 is amended by adding the following paragraph at the end:

“Explosives used underground may also be stored in a box made of non-sparking material placed in a recess. In such a case, subparagraphs 2 and 3 of the second paragraph do not apply to the recess.”.

**32.** Section 440 of the French text is amended by replacing “télécommande” by “commande à distance”.

**33.** The following is inserted after section 453:

“**453.1.** In the presence of sulphurous rock that may react with explosives placed in the drill hole, the following conditions shall be complied with to prevent predetonation:

(1) a rock characterization certified by an engineer must first be carried out to ascertain the reaction potential in the presence of the explosives used; and

(2) if the results indicate a reaction potential, the following measures must be taken:

(a) hole temperature measurements must be taken before loading the explosives;

(b) drill holes whose temperature may provoke a reaction of the explosives must not be loaded, unless the temperature is controlled; and

(c) a written procedure for loading and blasting must be developed and applied; the procedure must include

i. the loading sequence;

ii. the maximum delay between the beginning of the loading and the blasting;

iii. the measures to be taken in case of smoke release from a drill hole that is already loaded or being loaded; and

iv. the use of inhibitor explosives or other explosives compatible with existing conditions.

**453.2.** In the presence of sulphurous rock or sulphurous rock dust, the following events must be entered in a register:

(1) any reaction observed of an explosive in a drill hole;

(2) any predetonation; and

(3) any explosion or dust fire resulting from blasting.”.

**34.** The following is inserted after section 456:

“**456.1.** If a pumping unit is used to load water-based explosives, it must

(1) be used in compliance with the safety rules set out in the Guidelines for the Pumping of Water-Based Explosives, published by the Department of Natural Resources of Canada, Explosives Regulatory Division, 30 November 1998 Edition;

(2) be clearly identified by red signs posted on all four sides of the unit with the word “EXPLOSIFS” written in white letters at least 102 millimetres (4.0 inches) high; and

(3) be brought to the loading site at the required time for the loading operation and returned to the storage site or magazine in compliance with the provisions of sections 415.1 and 415.2 as soon as the loading is completed.”.

**35.** Section 457 is amended by replacing subparagraph c of paragraph 8 by the following:

“(c) radio transmitters and cellular telephones shall be turned off within 20 metres (65.6 feet) of the blasting site; at least one sign in letters at least 102 millimetres (4.0 inches) high must be posted near the site directing that radio transmitters and cellular telephones be turned off.”.

**36.** Section 463 is amended by adding the following after paragraph 3:

“(4) when blasting is carried out near a building, a railway line, a road or an electric power line, the blasting charge shall be controlled and a blasting mat placed on the blasting site; the mat must

(a) be constructed and maintained so that no metallic part comes into contact with the explosives;

(b) be deposited but not slid into place; and

(c) when made of tailings, contain no single or aggregate particles having a diameter larger than 5 millimetres (0.2 inches).”.

**37.** The following is inserted after section 466:

“**466.1.** If a blasting remote initiator is operated by wireless remote control, the control must

(1) meet the requirements in subparagraphs 5 to 7 of the first paragraph of section 211 and in sections 213 to 214;

(2) be rendered inoperative if at least one of the malfunctions described in section 211.1 occurs; and

(3) answer to the frequency assigned to it, except for a digital remote control with a single encoding.”.

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

9140

## Notice 001-2009

Health Insurance Act  
(R.S.Q., c. A-29)

### Tariff for devices which compensate for a motor deficiency and insured related services

MAKING by the Régie de l'assurance maladie du Québec of the Tariff for devices which compensate for a motor deficiency and insured related services, dated 11 March 2009

THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC,

CONSIDERING the fifth paragraph of section 3 and section 72.1 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING that it is expedient to make a tariff for devices which compensate for a motor deficiency and insured related services, replacing the corresponding provisions of the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act, and to make concordance amendments to that Regulation;

GIVES NOTICE that it has made, by Resolution CA-454-09-02 of its board of directors, dated 11 March 2009, the Tariff for devices which compensate for a motor deficiency and insured related services, the text of which appears below.

Québec, 12 March 2009

NORMAND JULIEN,  
*Secretary General of the Régie  
de l'assurance maladie du Québec*

### Tariff for devices which compensate for a motor deficiency and insured related services\*

Health Insurance Act  
(R.S.Q., c. A-29, s. 3, 5th and 10th pars., and s. 72.1, 1st par.)

**1.** The Tariff applicable to devices which compensate for a motor deficiency and to insured related services appears as Schedule I hereinafter, with respect to the services, devices and other equipment set out therein.

That tariff is made as a complement to the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act, made by the Government under the ninth paragraph of section 3 and subparagraph *h* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29).

#### CONCORDANCE AMENDMENTS TO THE REGULATION RESPECTING DEVICES WHICH COMPENSATE FOR A PHYSICAL DEFICIENCY AND ARE INSURED UNDER THE HEALTH INSURANCE ACT<sup>†</sup>

**2.** The Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act is amended by inserting the following section after section 1:

“**1.1.** For the purposes of this Title, the word “Tariff” designates the Tariff for devices that compensate for a motor deficiency and insured related services, made by the Régie under section 72.1 of the Health Insurance Act (R.S.Q., c. A-29).”.

\* The Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act, made by Order in Council 612-94 dated 27 April 1994 (1994, *G.O.* 2, 1589), was last amended by Resolution CA-446-08-12 dated 14 May 2008 (2008, *G.O.* 2, 1670) of the Régie de l'assurance maladie du Québec. For previous amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2008, updated to 1 September 2008.