

## Draft Regulations

### Draft Regulation

Building Act  
(chapter B-1.1)

#### Safety Code — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Safety Code, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The amendments proposed in the draft Regulation are to replace the provisions respecting the maintenance of water cooling tower facilities that came into force in May 2013, particularly to minimize the risk of water contamination by *Legionella*.

The most significant changes are intended to require owners of water cooling tower facilities, including those used in industrial establishments, to take a sample of water from the facility and to have it analyzed by an accredited laboratory to determine its concentration in *Legionella pneumophila* by a method using culture mediums. In case of significant contamination, the owner will have to apply the necessary measures and inform the designated authorities without delay. Owners will also have to send information on their water cooling tower facility to the Board each year so that the Québec register is kept up-to-date.

The addition of new provisions respecting *Legionella pneumophila* concentration in the provisions respecting the maintenance of a water cooling tower facility could entail costs for enterprises owning water cooling tower facilities.

Further information may be obtained by contacting Suzel Bourdeau, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7<sup>e</sup> étage, Montréal (Québec) H2M 2V2; telephone: 514 873-3716; fax: 514 873-9929.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Stéphane Labrie, President and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3<sup>e</sup> étage, Montréal (Québec) H2M 2V2.

AGNÈS MALTAIS,  
Minister of Labour

### Regulation to amend the Safety Code

Building Act  
(chapter B-1.1, ss. 175, 176, 176.1, 178, 179, 185,  
pars. 33, 37 and 38, and 192)

**1.** The Safety Code (chapter B-1.1, r. 3) is amended in the first paragraph of section 337 by inserting the following after the definition of “single-family type residential occupancy for the elderly”:

““**water cooling tower facility**” means the water network of one or more water cooling towers that are interconnected, including their components such as pumps, tanks and compressors; (*installation de tour de refroidissement à l'eau*)”.

**2.** The second paragraph of section 340 is replaced by the following:

“Despite the exemption provided for in the first paragraph and in section 341, the requirements respecting a water cooling tower facility provided for in Division VII apply to every water cooling tower facility.”

**3.** Section 370 is amended in the first paragraph by replacing “facilities” by “equipment”.

**4.** Division VII of Chapter VIII is replaced by the following:

#### “DIVISION VII PROVISIONS RESPECTING THE MAINTENANCE OF WATER COOLING TOWER FACILITIES

##### §1. Maintenance

**401.** A water cooling tower facility must be maintained according to a maintenance program.

**402.** The maintenance program must be drawn up and signed by one or more members of a professional order according to their field of practice and whose activities are related to the field of water cooling tower facilities. The program must contain

(1) the procedure for winterizing and re-starting, if applicable;

(2) the procedure for stopping and re-starting during the operation period;

(3) the cleaning procedure;

(4) the procedure for maintaining the quality of the water in order to minimize the development of bacteria and to permanently limit the *Legionella pneumophila* concentration to a level below 10,000 CFU/L (colony-forming units per litre of water). That procedure must include

(a) the place where the samples must be taken for the analysis of the *Legionella pneumophila* in the water; and

(b) the corrective measures to be applied when the result of a sample analysis indicates a *Legionella pneumophila* concentration in excess of 10,000 CFU/L but less than 1,000,000 CFU/L, in order to bring the *Legionella pneumophila* to a level below 10,000 CFU/L;

(5) the decontamination procedure to be applied when the result of a sample analysis indicates a *Legionella pneumophila* concentration of 1,000,000 CFU/L or more;

(6) the measures for reducing corrosion, scaling and the accumulation of organic matter;

(7) a schematic plan of the water network of the water cooling tower facility;

(8) the list of the chemical products and substances to be used and their description, if applicable; and

(9) the measures for verifying the mechanical components of the water cooling tower facility.

The maintenance program must be drawn up by taking into account the documents indicated in Schedule III.

**403.** The maintenance program must take into account the history of the water cooling tower facility, including

- (1) a major breakdown;
- (2) the repairs made following the breakdown;
- (3) the use of the decontamination procedure; and
- (4) the replacement of a device or equipment.

**404.** The program must be revised, by one or more members of a professional order according to their field of practice and whose activities are related to the field of water cooling tower facilities, ever 5 years or following one of the following events:

(1) an alteration of the water cooling tower facility affecting the maintenance program;

(2) a change in the procedure for maintaining the quality of water;

(3) the use of the decontamination procedure.

## §2. Declaration of the water cooling tower facility

**405.** Owners of water cooling tower facilities must send to the Board, within 30 days of the facility's initial start-up and on 1 March of each year,

(1) the address where the water cooling tower facility is located;

(2) the name and contact information of the owner of the water cooling tower facility;

(3) the name of the member or members of a professional order who drew up the maintenance program;

(4) a brief description of the type of water cooling tower facility;

(5) the operation period of the water cooling tower facility; and

(6) the name of the person in charge of maintenance and that person's telephone number.

The declaration may be made on the form provided for that purpose by the Board or on any other document containing the same information clearly and legibly drawn up for that purpose.

Owners of water cooling tower facilities must immediately inform the Board of any change to the information provided under this section.

## §3. Register

**406.** The following information and documents relating to a water cooling tower facility must be entered in a register, available on the premises for consultation by the Board, during the existence of the facility:

(1) the name and contact information of the owner of the water cooling tower facility;

(2) if available, the copy of the plans for the design and installation of the water cooling tower facility as executed, and any technical document or information related to the alterations made to the plans;

(3) the manufacturer's operation and maintenance manual;

- (4) the maintenance programs;
- (5) the results of the water analyses for the past 2 years, namely:
  - (a) the forms for sending samples to the laboratory and the results of the *Legionella pneumophila* concentration analyses;
  - (b) the analysis results or the readings of the physical, chemical or microbiological indicators identified by the professional who drew up the procedure for maintaining the quality of water;
- (6) the history and description of the maintenance, repairs, replacements and alterations made;
- (7) the name of the person responsible for and of the personnel assigned to the maintenance and their telephone number.

**§4. Taking and analysis of samples to determine the *Legionella pneumophila* concentration**

**407.** The owner must take samples or cause them to be taken and have them analysed to determine the *Legionella pneumophila* concentration in CFU/L:

- (1) at the time of re-starting, after winterizing;
- (2) at least once every 30 days, during the operation period;
- (3) between 2 and 7 days, following the application of the decontamination procedure.

**408.** The sample must be taken at a point in the circuit that is the most representative of the water that will be dispersed by aerosol and out of the direct influence of the make-up water and of the addition of treatment products.

**409.** The sample must be taken and kept in accordance with Standard DR-09-11, Protocole d'échantillonnage de l'eau du circuit des tours de refroidissement pour la recherche des légionnelles, published by the Centre d'expertise en analyse environnementale du Québec.

**410.** The sample must be sent for analysis to a laboratory accredited by the Centre d'expertise en analyse environnementale du Québec for the determination of *Legionella pneumophila* concentration.

**411.** The sample analysis to determine the *Legionella pneumophila* concentration must be made by a method using culture mediums.

**412.** Each sample taken sent to an accredited laboratory must be accompanied by a sending form duly completed. The form must include the following information:

- (1) the address where the water cooling tower facility is located;
- (2) the name and contact information of the owner of the water cooling tower facility;
- (3) the identification number of the water cooling tower facility assigned by the Board;
- (4) the date and time of sampling and the water temperature;
- (5) the name and signature of the sampler;
- (6) the reference and location of the point of sampling;
- (7) the nature and concentration of treatment products; and
- (8) the date and time of the last injection of treatment products in the network of the water cooling tower facility, if such injection is not continuous.

**§5. Results of the analysis for *Legionella pneumophila* concentration**

**413.** The owner must make sure to obtain all the results of the analysis made by the accredited laboratory to determine *Legionella pneumophila* concentration.

**414.** The owner must make sure that the Board receives all the results of the analysis made by the accredited laboratory within 30 days of the sample taking, using an information technology medium furnished by the Board.

**415.** The owner must make sure to obtain the result of the accredited laboratory on the business day following the result of the analyses where a result

- (1) indicates a *Legionella pneumophila* concentration above 10,000 CFU/L but below 1,000,000 CFU/L;
- (2) makes impossible to quantify the *Legionella pneumophila* concentration by reason of the presence of interfering flora.

**416.** The owner must make sure to obtain the result of the accredited laboratory without delay when an analysis result indicates a *Legionella pneumophila* concentration of 1,000,000 CFU/L or more. In that case, the owner must make sure that the Board and the public health director of

the region where the water cooling tower facility is located receive the result without delay. In that case, the owner must also make sure that the accredited laboratory keeps the sample and analysis result for 3 months.

**417.** Where the analysis result indicates a *Legionella pneumophila* concentration above 10,000 CFU/L but below 1,000,000 CFU/L, the owner of the water cooling tower facility must

- (1) identify the causes of the increase in the *Legionella pneumophila* concentration;
- (2) apply corrective measures; and
- (3) verify the effectiveness of the corrective measures.

**418.** Where the analysis result makes it impossible to quantify the *Legionella pneumophila* concentration by reason of the presence of an interfering flora, the owner of the water cooling tower facility must

- (1) identify the causes of the presence of interfering flora;
- (2) apply corrective measures; and
- (3) verify the effectiveness of the corrective measures.

**419.** Where the analysis result indicates a *Legionella pneumophila* concentration of 1,000,000 CFU/L or more, the owner of the water cooling tower facility must

- (1) implement measures that will eliminate any water dispersion by aerosol, such as stopping the ventilators;
- (2) immediately apply the decontamination procedure;
- (3) identify the causes of the concentration above 1,000,000 CFU/L with the member or members of a professional order who drew up the maintenance program;
- (4) apply corrective measures;
- (5) verify the effectiveness of the corrective measures; and
- (6) take a new sample in accordance with the third paragraph of section 407 and send it to the accredited laboratory for a new analysis of the *Legionella pneumophila* concentration.”.

**5.** Schedule III is replaced by the following:

“**SCHEDULE III:** Maintenance of a water cooling tower facility

The documents to be taken into account for the maintenance program provided for in section 402 are

(1) the manufacturer’s operation and maintenance manual;

(2) the guides recognized for the maintenance of water cooling tower facilities such as

(a) Guideline-WTB-148(08)-Best Practices for Control of Legionella published by the Cooling Technology Institute (CTI);

(b) the manuals of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), particularly Guideline-12-2000-Minimizing the Risk of Legionellosis Associated with Building Water Systems;

(c) Legionella 2003: An Update and Statement by the Association of Water Technologies (AWT).”.

**6.** This Regulation comes into force on the 45th day following the date of its publication in the *Gazette officielle du Québec*.

Despite the foregoing, section 414 comes into force on 1 April 2016.

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## Draft regulation

Health Insurance Act  
(chapter A-29)

### Hearing devices — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting hearing devices and insured services, the text of which appears hereafter, may be made by the government on the expiry of the 45-day deadline following this publication.