

Batteries:

	Unit rate
Zinc air batteries, per hearing device, maximum of 100 batteries per year	\$1.00
Remote control battery, maximum of one battery per year	\$5.00
Zinc air batteries for a CROS-BiCROS system, maximum of 100 batteries per year	\$1.00

104280

Draft regulation

An Act respecting occupational health and safety (chapter S-2.1)

Occupational health and safety
— Amendment

Safety Code for the construction industry
— 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 occupational health and safety and the Regulation to amend the Safety Code for the construction industry, appearing below, may be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The draft regulations reflect the advancements made in designs and knowledge relating to respiratory protection since the related provisions were last amended. The draft regulations make it possible to use certified respiratory protective devices that are available on the market since the last regulatory amendments. The draft regulations also enable Québec workplaces to refer to respiratory protection standards that are recognized in the majority of other Canadian provinces.

The impact associated with the amendments to the Regulation respecting occupational health and safety (chapter S-2.1, r. 13) and the Safety Code for the construction industry (chapter S-2.1, r. 4) is minimal because it makes it possible to meet harmonization requirements. The regulatory impact analysis shows that the adoption of the provisions will generate annual savings in the medium-term for employers (87.3 million dollars in savings). However, implementation costs of 11.8 million dollars are expected for the first year.

Further information on the draft regulations may be obtained by contacting Charles Labrecque, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue De Bleury, Montréal (Québec) H3B 3J1; telephone: 514 906-3080, extension 2298; fax 514 906-3081.

Any person wishing to comment on the draft regulations is requested to submit written comments within the 45-day period to Luc Castonguay, vice-president, prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 524, rue Bourdages, local 220, Québec (Québec) G1K 7E2.

MANUELLE OUDAR,
Chair of the board of directors and Chief Executive Officer of the Commission des normes, de l'équité, 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 (chapter S-2.1, s. 223, 1st par., subpars. 3, 4, 7, 9 and 42)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1 by inserting the following definition in alphabetical order:

““NIOSH” means the National Institute for Occupational Safety and Health;”

2. The following is inserted after section 39:

“**39.1.** The use of crocidolite, amosite or a product containing either of these substances is prohibited, except where their replacement is not reasonable or practicable.”

3. Sections 40 and 41 are replaced by the following:

“**40.** No worker in an establishment shall be exposed to:

(1) a concentration of airborne oxygen below 19.5% in volume at normal atmospheric pressure;

(2) gases, fumes, vapours, dusts or mists, beyond the limits provided for in Schedule I.

Subparagraph 2 of the first paragraph also applies to a work station located in a vehicle, wherever situated.

41. In order to comply with the values provided in section 40, the employer must control or improve the quality of the air by eliminating air contaminants or replacing dangerous substances, as provided in section 39. Failing that, the employer must take other measures favouring the following:

(1) containment, to prevent the source of contamination from reaching the worker or affecting the percentage of oxygen;

(2) the control of processes such as dust abatement, as well as the installation or improvement of an establishment's local and then general ventilation.

In addition, such measures must be taken by the employer when designing, organizing or making changes to an establishment.”

4. The following is inserted after section 41:

“**41.1.** Notwithstanding section 41, an employer may provide a respirator in compliance with Division VI, without taking other measures, during the period required to perform work on the equipment referred to in section 5, or during the performance of temporary work of the same nature on another type of equipment or facility.”

5. The heading of **DIVISION VI** is replaced by “RESPIRATOR”.

6. Section 45 is replaced by the following:

“**45. Respirator:** The employer must provide the worker with a respirator in the following cases:

(1) during the period required to implement a measure provided for in section 41;

(2) in case of an emergency where the values provided for in section 40 are not complied with;

(3) if no measure makes it possible to comply with the values provided for in section 40.”

7. The following is inserted after section 45:

“**45.1.** Every respirator provided by the employer must be certified by the NIOSH.

When providing such a device, the employer must draft and apply a respiratory protection program in compliance with CAN/CSA Standard Z94.4-11, Selection, Use and Care of Respirators, as published in September 2016.”

8. Section 46 is amended by replacing “45” by “45.1”.

9. Section 47 is revoked.

10. Section 48 is amended by striking out “referred to in section 45” in the first paragraph.

11. Section 69 is amended by inserting “in compliance with Division VI” after “air-supplied abrasive hood” in the first paragraph.

12. Section 101 is amended by replacing the last paragraph by the following:

“Except as part of work provided for in section 41.1, all work stations must be ventilated as to comply with the standards provided for in sections 40.”

13. Section 154 is amended by replacing “in section 41 or 69 or in paragraph 3 of section 124” by “in paragraph 3 of section 45, section 69 or paragraph 3 of section 124 and” in the first paragraph.

14. Section 302 is amended in the second paragraph by replacing

(1) “the respiratory protective equipment” by “a respirator”;

(2) “specified in section 45” by “in accordance with Division VI”.

15. Section 303 is amended in paragraph 3 by replacing

(1) “the respiratory protective equipment” by “a respirator”;

(2) “specified in section 45” by “in accordance with Division VI”.

16. Section 312.52 is amended by adding “, as published in September 2016” at the end.

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

Regulation to amend the Safety Code for the construction industry

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 3, 4, 7, 9 and 42)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 2.10.8

(1) by replacing “impurities” by “contaminants”;

(2) by inserting “or equal to” after “lower than”;

(3) by adding the following at the end:

“The employer must provide a respirator in compliance with Division VI of the Regulation respecting occupational health and safety (chapter S-2.1, r. 13) in any situation where the values referred to in the first paragraph cannot be complied with.

During periods of work on equipment referred to in section 5 of the Regulation respecting occupational health and safety, or during temporary inspection or maintenance work or work of the same nature performed sporadically on another type of equipment or facility, an employer may provide such a device without the obligation to take other measures to eliminate or reduce contaminants.”

2. Section 2.10.9 is revoked.

3. Section 3.15.9 is amended by replacing “breathing apparatus conforming to section 2.10.9” by “respirator” in subparagraph c of the second paragraph.

4. Section 3.20.1 is amended by striking out “as specified in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail”.

5. Section 3.20.2 is revoked.

6. Section 3.21.2 is amended by replacing “protective breathing equipment” by “a respirator”.

7. Section 3.23.14.1 is amended by striking out the following:

“that meets either of the following standards:

(1) it is specified in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail;

(2) it is certified at a minimum FFP2 in accordance with EN-149, Respiratory protective devices — Filtering half masks to protect against particles — Requirements, testing, marking of the European Committee for Standardization, by a laboratory recognized by the latter.

That equipment shall be selected, adjusted, used and cared for in accordance with CSA Standard Z94.4-93 Selection, Use, and Care of Respirators.”.

8. Section 3.23.15 is amended

(1) by replacing “l’employeur doit respecter, outre les obligations prévues aux articles 3.23.3 à 3.23.14” by “outre les obligations prévues aux articles 3.23.3 à 3.23.14, l’employeur doit respecter” in the French text of the part preceding paragraph 1;

(2) by replacing paragraph 1 by the following:

“(1) ensure that any worker present in the work area is wearing a reusable protective respiratory apparatus equipped with a 100 series or HEPA high efficiency filter certified by the NIOSH;”.

9. Section 3.23.16 is amended

(1) by replacing paragraph 1 by the following:

“(1) ensure that any worker present in the work area during the use of electric tools not fitted with a dust collector equipped with a high-efficiency filter or during the handling of thoroughly wetted friable materials containing asbestos is wearing a full-facepiece respirator; the respirator must comply with one of the following types:”;

(2) by replacing “high-efficiency” by “HEPA” in subparagraph a of paragraph 1;

(3) by replacing paragraph 2 by the following:

“(2) notwithstanding paragraph 1, a supplied-air and continuous-flow positive-pressure adjusted, or pressure demand and positive pressure, full-facepiece respirator must be worn by any worker who is in one of the following situations:”.

10. 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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