2. The following is added after section 4:

"**4.1.** The expenditure ceiling allowing discrimination based on territory under subparagraph 1 of the first paragraph of section 573.1.0.4.1 of the Cities and Towns Act (chapter C-19), subparagraph 1 of the first paragraph of article 936.0.4.1 of the Municipal Code of Québec (chapter C-27.1), subparagraph 1 of the first paragraph of section 112.0.0.0.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), subparagraph 1 of the first paragraph of section 105.0.0.0.1 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) and subparagraph 1 of the first paragraph of section 99.0.0.1 of the Act respecting public transport authorities (chapter S-30.01) is $366,200 in the case of a supply contract or a services contract and $9,100,000 in the case of a construction contract.

4.2. The expenditure threshold allowing discrimination based on territory under the fifth paragraph of section 573.1.0.4.1 of the Cities and Towns Act (chapter C-19), the fifth paragraph of article 936.0.4.1 of the Municipal Code of Québec (chapter C-27.1) and the fifth paragraph of section 99.0.0.1 of the Act respecting public transport authorities (chapter S-30.01) is $366,200.".

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

105083

Draft Regulation

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

Occupational health and safety in mines —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 in mines, 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 Regulation provides for amendments concerning, in particular, in an underground mine, the safe use of a tubular ladder emergency exit, the keeping of a ground control register, and the requirements for reducing the risk of fire at a shaft station. In addition, it specifies the obligation for the supervision of explosives, as well as the requirements for their transportation and storage in an underground mine. Lastly, it revokes section 50, which requires the installation of a guard rail in an open pit mine, since other regulatory requirements cover the protection of workers against falls.

Study of the matter shows an economic impact of $153,000 per year on all Québec enterprises for the keeping of a ground control register. Study of the matter has shown that the other regulatory amendments will have no financial impact on Québec enterprises.

Further information may be obtained by contacting Félix-Antoine Blanchard, engineer/expert advisor–mining sector, Direction du génie-conseil - Direction générale de la gouvernance et du conseil stratégique en prévention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 524, rue Bourdages, local 250, Québec (Québec) G1M 1A1; telephone: 418 266-4699, extension 2031; email: felix-antoine.blanchard@cnesst.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Luc Castonguay, Vice-President for 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 in mines

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

1. The Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14) is amended in section 4 by adding the following paragraph at the end:

"The first paragraph does not apply when using a tubular ladder emergency exit.".

2. The following is inserted after section 7:

"**7.1.** Despite sections 5, 6 and 7, the full body harness, the fastening point of the lanyard and the vertical lifeline in a tubular ladder emergency exit are determined in accordance with sections 75.13 and 75.14.".

3. Section 27 is amended by inserting "28.03," after "sections".

4. The following is inserted after section 28.02:

"**28.03.** In an underground mine, a register shall be available to allow the employer or worker to enter any abnormal ground control situation. The worker or employer enters the place concerned, the date and the work shift in the register and signs it.

The technical services or ground control representative designated by the employer signs the register for each day of the week, within 5 days. He conducts follow-up and, when the situation requires it, enters comments or recommendations in the register.

The employer checks the register between each work shift and signs it.".

5. Section 50 is revoked.

6. The following is inserted after section 75.1:

"*§5.1. Tubular ladder emergency exit in an underground mine*

75.2. A tubular ladder emergency exit shall be used exclusively for the evacuation of workers in an underground mine.

Subdivision 5 of Division III applies to a tubular ladder emergency exit, except paragraph 2 of section 72.

75.3. A tubular ladder emergency exit shall be designed, built, maintained and used so as not to endanger the safety of workers.

75.4. A tubular ladder emergency exit may not be installed in a shaft.

It shall comply with the plans and specifications of an engineer.

75.5. The excavation in which a tubular ladder emergency exit is installed shall be free from any cables, pipes or other services.

75.6. A tubular ladder emergency exit shall comply with the following standards:

(1) be built entirely of materials that, as of the date of manufacture, meet the requirements of the flame test for a vertical conduit of CAN/CSA Standard M427-M91, Fire-Performance and Antistatic Requirements for Ventilation Materials;

(2) be inclined at least 65° and not more than 80°;

(3) be free from any cables, pipes or other services, with the exception of those required for the installation of a fall-protection system pursuant to section 75.11 or a climb assist system;

(4) provide inside clearance of at least 70 cm (27.6 in) in diameter at all points;

(5) where the height of the exit is greater than 75 m (246.1 ft), have a climb assist system installed in accordance with the plans and specifications of an engineer and used and maintained in accordance with the manufacturer's recommendations.

75.7. The ladder of a tubular ladder emergency exit shall comply with the following standards:

(1) have a minimum width of 450 mm (17.7 in) between the rails;

(2) have a distance of at least 185 mm (7.3 in) from the front of the rung to the wall of the tubular ladder emergency exit located behind the rung, measured perpendicularly from the centre of the rung;

(3) have a space between the top of the rungs of the ladder that complies with the dimensions provided for in section 67.

75.8. The rungs of the ladder of a tubular ladder emergency exit shall be covered with non-slip materials or be constructed so as to prevent slipping.

75.9. The ladder of the tubular ladder emergency exit shall extend at least 1 m (3.3 ft) beyond its upper rest landing or failing which, fixed handles shall be installed at an equivalent height.

75.10. Handrails or rails that provide three fulcrum points shall be installed in the tubular ladder emergency exit for the use of the ladder.

75.11. In places where the tubular ladder emergency exits are off-centre or where there is a difference of inclination of more than 10° between them, landings shall be installed.

75.12. The material required for mine rescue, such as a hoist and rope, shall be accessible on the site of a mine that has a tubular ladder emergency exit and be adapted to the height of the emergency exit.

75.13. Full body harnesses that comply with CAN/CSA Standard Z259.10-M90, Full Body Harnesses, shall be connected to a fall-protection system installed and designed in accordance with CSA Standard Z259.16, Design of Active Fall-Protection Systems, based on the number of persons who can use the tubular ladder emergency exit at the same time, as determined by an engineer.

Every worker who uses a tubular ladder emergency exit is required to wear a full body harness.

75.14. The full body harnesses used for a tubular ladder emergency exit shall have at least rings on the sternum, back and shoulders to allow for mine rescue.

75.15. The full body harnesses and the fall-protection system equipment determined in accordance with section 75.13 shall be accessible at the ends of a tubular ladder emergency exit in sufficient number for all users.

75.16. A worker may not enter a tubular ladder emergency exit unless the tools he is carrying are well secured to his waist by a belt or placed in a bag carried across his shoulder.

75.17. Bollards or other objects of the same kind shall be installed near the ends of a tubular ladder emergency exit to protect its integrity.

75.18. The ventilation in a tubular ladder emergency exit shall comply with the plans and specifications of an engineer.

The ventilation flow shall supply at least 5 changes of air per hour.

75.19. In addition to the safety measures provided for in section 117, a rescue procedure and an evacuation procedure specific to the use of the tubular ladder emergency exit shall be developed and tested.

The employer shall demonstrate, in particular by carrying out an evacuation drill, the effectiveness, reliability and safety of the tubular ladder emergency exit and its equipment before it is used for the first time and thereafter at least once a year.".

7. The following are inserted after section 151.1:

"**151.2.** The installation of an internal combustion engine, the parking of internal combustion motorized equipment or the storage of combustible materials or wastes between a shaft station and a fire door may not exceed 12 hours and shall be monitored by a worker.

Despite the first paragraph, internal combustion motorized equipment equipped with an extinguishing system that is activated when exposed to heat may be parked between a shaft station and a fire door until the completion of the work carried out at the shaft station.

151.3. Internal combustion motorized equipment equipped with an extinguishing system that is activated when exposed to heat may be parked at a shaft station or in the drift until the fire door is installed in the drift.".

8. Section 415 is amended by replacing "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" in the portion before subparagraph 1 of the first paragraph by "Explosives located underground or on the surface shall be under the supervision of a worker designated for that purpose or stored, subject to section 416.1, the second paragraph of section 418 and section 423, in magazines that".

9. Section 423 is amended

(1) by inserting "during a work shift or" after "interruption" in the portion before paragraph 1;

(2) by replacing "the quantity that can be loaded for the shifts planned on the workday schedule" in paragraph 1 by "the quantity required for the loading or the quantity that can be loaded for a 24-hours period".

10. Section 497 is amended by replacing "armoured; the armour shall be of steel wire or the cable shall be covered with interlocked metal armour" in paragraph 1 by "armoured with steel wire, or the cable shall be covered with interlocked or fixed armour made of metal or another material providing at least equal electrical protection".

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

105081