

9. Section 3.23.16 is amended

(1) by replacing paragraph 1 by the following:

“(1) the employer shall 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*.

105489

Gouvernement du Québec

O.C. 49-2022, 12 January 2022

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

**Occupational health and safety
— Amendment**

Regulation to amend the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 3, 4, 7, 9 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

— listing contaminants or dangerous substances, classifying them, identifying the biological or chemical agents and determining for each class or each contaminant a maximum permissible quantity or concentration of emission, deposit, issuance or discharge at a workplace, prohibiting or restricting the use of a contaminant or prohibiting any emission, deposit, issuance or discharge of a contaminant;

— defining the properties of a substance that make it a dangerous substance;

— prescribing measures for the supervision of the quality of the work environment and standards applicable to every establishment or construction site in view of ensuring the health, safety and physical well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where the employer makes premises available to workers for lodging, meal service or leisure activities;

— determining, by category of establishments or construction sites, the individual and common protective devices and equipment that the employer must put at the disposal of the workers, free of charge;

— generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational health and safety was published in Part 2 of the *Gazette officielle du Québec* of 11 March 2020 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 at its sitting of 17 June 2021;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting occupational health and safety, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety

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*.

105490