

authorize the lock to be removed after ensuring that it does not involve any danger for the health, safety and physical well-being of that person.

Where the agreement of the person who carried out lockout is not obtained, the employer who has authority over the establishment must, before authorizing the lock to be removed, inspect the danger zone of the machine accompanied by a representative of the certified association of which the person is a member, if he or she is available on the work site or, failing that, by a worker present on the work site designated by the employer.

Every instance of a lock being removed must be entered in a written document kept by the employer for at least one year following the day on which the applicable energy control method is altered.

**207.** This subdivision applies, with the necessary modifications, to any work on an electrical installation.”

**4.** Sections 239 and 266 are revoked.

**5.** Section 267 is amended by replacing “guardrails” by “guards, as defined in section 172,”.

**6.** Section 270 is revoked.

**7.** Section 312.86 is amended by replacing “subdivision 1.1.” in paragraph 3 by “subdivision 4”.

**8.** Section 323 is replaced by the following:

“**323. Tasks involving maintenance or repairs:** In the case of tasks involving maintenance or repairs, the areas where such work is being performed must be marked off in order to protect anyone likely to be exposed to danger.”

**9.** Section 340 is revoked.

**10.** Section 174, as replaced by section 3 of this Regulation, applies only to machines brought into service in an establishment on or after (*insert the date of coming into force of this Regulation*).

**11.** Section 176, as replaced by section 3 of this Regulation, applies only to modifications made to a machine on or after (*insert the date of coming into force of this Regulation*).

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

105569

## Draft Regulation

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

### 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 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 Regulation inserts a new division to ensure the protection of construction workers when work that is liable to produce crystalline silica dust emissions is carried out.

The draft Regulation establishes in particular a list of materials that are presumed to contain crystalline silica and establishes the method to reverse that presumption. It provides for the control measures that must be put in place and the terms and conditions surrounding the conditions for wearing a protective respiratory apparatus when work involving crystalline silica is carried out. The draft Regulation further specifies, in regard to that work, the terms and conditions concerning training, the delimitation of the work area, the cleaning of clothes, premises and equipment, and the management of the debris of materials presumed to contain crystalline silica.

The draft Regulation also emphasizes the importance of taking the course on health and safety on construction sites, without infringing on the rights of persons who have already obtained an exemption, by making the course mandatory for all persons entering a construction site as of a given date. Lastly, it also corrects the required minimum dimensions of planking for lumber scaffolding platforms in order to make them safer.

The proposal will affect many construction sites in Québec. However, it will have a positive impact on all construction sites by improving the overall safety of not only workers, but of all persons who enter a construction site. Study of the draft Regulation shows implementation costs of \$9.935 million and recurring costs in subsequent years of \$8.525 million annually. Finally, the draft Regulation is not expected to have any direct positive or negative impact on employment.

Further information may be obtained by contacting Fatim Diallo, engineer, safety and inspection advisor, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600 av. d'Estimauville, 6<sup>e</sup> étage, secteur 6, Québec (Québec) G1J 0H7; telephone: 418 266-4699, extension 2539.

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, safety, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600, av. d'Estimauville, 7<sup>e</sup> étage, secteur 3, Québec (Québec) G1J 0H7.

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 Safety Code for the construction industry

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 19, 21.6 and 42)

**1.** The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 2.4.2 by inserting “before (*insert the date of coming into force of the Regulation*),” after “However,” in the second paragraph of subparagraph *i*.

**2.** Section 3.9.8 is amended by replacing “38 mm” by “50 mm” and “235 mm” by “250 mm” in subparagraph *b* of paragraph 3.

**3.** Section 3.15.9 is amended by striking out the second and third paragraphs.

**4.** The following is added before section 3.20.1:

“**3.20.0.** Sections 3.25.7, 3.25.10 and 3.25.11 of subdivision 3.25 apply when sandblasting work is carried out.”

**5.** The following subdivision is inserted after section 3.24.22:

“3.25. *Work liable to produce crystalline silica dust emissions*

**3.25.1. Scope:** This subdivision applies to any construction site where work involving materials that may contain crystalline silica is carried out.

Except for sections 3.25.7, 3.25.10 and 3.25.11, this subdivision does not apply to the sandblasting work provided for in subdivision 3.20 of this Code.

**3.25.2. Materials presumed to contain crystalline silica:** For the application of this subdivision, the following materials are presumed to contain crystalline silica:

- (a) slate;
- (b) asphalt;
- (c) concrete;
- (d) brick;
- (e) ceramic;
- (f) cement;
- (g) fibrocement;
- (h) granite;
- (i) granulate;
- (j) sandstone; and
- (k) mortar.

**3.25.3. Demonstration of the absence of crystalline silica:** The presumption provided for in section 3.25.2 may be reversed by one of the following means:

(a) a safety data sheet or a technical description showing that crystalline silica does not form part of the composition of the material;

(b) the results of an analysis carried out according to a recognized method showing that crystalline silica is not present in the material.

A copy of the data sheet or the results must be available at all times on the construction site.

**3.25.4. Measures to control exposure to crystalline silica:** Where work involving a material containing crystalline silica is liable to produce dust emissions, the employer must implement at least one of the following control measures:

(a) the use of a local exhaust ventilation system equipped with a high-efficiency filter;

- (b) the use of a procedure to wet the dust emissions;
- (c) the isolation of workers from the source of the dust emissions;
- (d) the confinement of the source of the dust emissions so that workers are not exposed.

The equipment used to control crystalline silica dust must be used and cared for in accordance with the manufacturer's instructions or a standard offering equivalent safety.

**3.25.5. Closed operation cabin:** Where the worker is isolated from the source of the crystalline silica dust emissions by the use of an operation cabin of a mobile machine, the cabin must have the following characteristics:

- (a) the air intake in the cabin must be filtered by a high-efficiency filter;
- (b) positive pressure must be maintained;
- (c) a heating and air-conditioning system must be included;
- (d) the door and window joints must be kept in good condition to ensure they are sealed.

**3.25.6. Respiratory protection:** When work involving a material containing crystalline silica is carried out, in addition to one of the control measures listed in section 3.25.4, except in the case of those set out in subparagraph *c* or *d*, the wearing of a protective respiratory apparatus is mandatory for all workers present in the work area where one of the following types of work is carried out:

- (a) sawing;
- (b) grinding, sanding or bush hammering;
- (c) jackhammering;
- (d) boring in a confined location;
- (e) drilling.

The protective respiratory apparatus supplied by the employer must provide at minimum an assigned protection factor of 10 and be equipped with a particle filter with an efficiency rate of at least 95%. The obligations set out in section 45.1 of the Regulation respecting occupational health and safety (Order in Council 49-2022 dated 12 January 2022 published in the *Gazette officielle du Québec* of 26 January 2022) apply where

one of the types of work provided for in this section is carried out. In addition, the protective respiratory apparatus must be selected, used and cared for in accordance with CAN/CSA Standard Z94.4-11 Selection, use, and care of respirators.

The wearing of a protective respiratory apparatus is not mandatory where the employer demonstrates that the level of exposure of workers is less than the limit values indicated in Schedule I to the Regulation respecting occupational health and safety (chapter S-2.1, r. 13).

**3.25.7. Training:** Before undertaking work involving the materials referred to in this subdivision, the employer must train and inform workers of the risks, prevention methods and safe working methods. The training and information program must contain at least the following elements:

- (a) the materials presumed to contain crystalline silica;
- (b) the work that exposes workers to crystalline silica dust;
- (c) the effects of exposure to crystalline silica dust on health;
- (d) safe working methods and procedures;
- (e) the use and care of control equipment and tools for crystalline silica dust;
- (f) the wearing and care of individual and common protective equipment.

The information and training provided for in the first paragraph must have previously been established in writing.

**3.25.8. Delimitation of the work area:** When the work provided for in section 3.25.6 is carried out, the work area must be delimited by hazard signs and only workers wearing a protective respiratory apparatus in compliance with that section may access the work area.

**3.25.9. Cleaning of work clothes:** Before leaving the work area, the worker must remove the work clothes worn and place them in a closed bag supplied by the employer or clean them using either a wet cloth or a vacuum cleaner equipped with a high-efficiency filter.

**3.25.10. Cleaning:** When the work area and equipment are being cleaned, it is prohibited to use work methods that may cause crystalline silica dust to become suspended in the air, such as dry sweeping or the use of compressed air.

Cleaning must be carried out by means of wetting or using a vacuum cleaner equipped with a high-efficiency filter.

**3.25.11. Debris of materials presumed to contain crystalline silica:** Where work is carried out in a building, the debris of materials containing crystalline silica that is liable to become dispersed in the air must be wetted or placed in closed containers and clearly identified.

Where work is carried out outside, as defined in section 3.23.1.1 of this Code, the debris of materials containing crystalline silica that is liable to become dispersed in the air must be wetted or an equivalent means that prevents the dispersion of crystalline silica dust in the air must be used.”.

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

105568

## Draft Regulation

Act respecting the conservation and development of wildlife  
(chapter C-61.1)

### Trapping activities and the fur trade — 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 trapping activities and the fur trade, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting trapping activities and the fur trade (chapter C-61.1, r. 3) to allow the remote registration of animals captured during a trapping activity.

The draft Regulation will lower the number of trapping licence holders who register their game with a person designated to do so by the Minister, and therefore slightly decrease the revenues related to registration fees. However, it will reduce operations related to the registration of game for trapping licence holders by allowing them to register remotely.

Further information on the draft Regulation may be obtained by contacting Gaétan Roy, analyst, hunting and trapping regulations, Service des affaires

législatives fauniques, Direction de la conservation des habitats, des affaires législatives et des territoires fauniques, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, 2<sup>e</sup> étage, Québec (Québec) G1S 4X4; telephone: 418 627-8691, extension 707394; email: Gaetan.Roy@mffp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Élise Paquette, Associate Deputy Minister of Wildlife and Parks, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4.

PIERRE DUFOUR

*Minister of Forests, Wildlife and Parks*

## Regulation to amend the Regulation respecting trapping activities and the fur trade

Act respecting the conservation and development of wildlife  
(chapter C-61.1, s. 162, par. 16)

**1.** The Regulation respecting trapping activities and the fur trade (chapter C-61.1, r. 3) is amended by replacing section 13 by the following:

“**13.** The holder of a trapping licence who captures a black bear must register it with the Minister or a person, partnership or association authorized by the Minister under section 56.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1), by providing the following information within 15 days of leaving the trapping ground, using the form provided by the Minister for that purpose:

- (1) full name, address and telephone number;
- (2) hunter’s or trapper’s certificate number;
- (3) trapping licence number.

Despite the first paragraph, the holder of a trapping licence who captures a black bear must, at a wildlife conservation officer’s request, have the officer register it immediately.”.

**2.** 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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