

**MINE HEALTH AND SAFETY ACT**  
R-016-2003  
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**MINE HEALTH AND SAFETY REGULATIONS, amendment**

The Commissioner, on the recommendation of the Minister, under sections 45 and 46 of the *Mine Health and Safety Act* and every enabling power, orders as follows:

**1. The *Mine Health and Safety Regulations*, established by regulation numbered R-125-95, are amended by these regulations.**

**2. The following definitions in subsection 1.01(1) are repealed:**

- (a) "bail";
- (b) "safety catch";
- (c) "shaft lining";
- (d) "shaft obstruction".

**3. Paragraph 1.24(b) is repealed and the following is substituted:**

- (b) if there is any ground movement in the mine, details of the records of ground monitoring devices in the area affected before the ground movement;

**4. Section 1.25 is repealed.**

**5. Section 1.26 is repealed and the following is substituted:**

**1.26.** The shift boss shall convey the information contained in the ground control logbook referred to in paragraphs 1.24(c) to (f) to every employee, worker and any other person working in the area under the shift boss' supervision before the employee, worker or other person begins working in the area.

**6. Section 1.27 is amended by striking out "senior mine supervisor" and by substituting "shift boss".**

**7. Sections 1.31 to 1.34 are repealed and the following is substituted:**

**1.31.** Where in an underground mine a potential or actual danger to the health or safety of a person has not been remedied or removed at the end of a work shift,

- (a) the supervisor of the work shift shall make, and sign, a record in writing describing the dangerous condition and the state of corrective measures taken;
- (b) the shift boss responsible for the work shift shall read and sign the record referred to in paragraph (a);
- (c) the shift boss of the next work shift shall read and countersign the record referred to in paragraph (a) before any person on that shift does any work in the area of the dangerous condition; and
- (d) the shift boss referred to in paragraph (c) shall advise the employees on his or her shift who may be affected by the dangerous condition of
  - (i) the dangerous condition,
  - (ii) the state of corrective measures undertaken, and
  - (iii) the work required to remove or remedy the dangerous condition.

**8. Paragraph 1.39(f) is amended by striking out the period at the end of the paragraph and by substituting "and the Committee."**

**9. Section 1.44 is repealed and the following is substituted:**

- 1.44.** The manager shall ensure that appropriate systems are in place
- (a) to stop any possible sources of contaminants from entering the air intake to work areas located underground or on the surface;
  - (b) to provide oxygen in the atmosphere of not less than 19.5% by volume at any place in a work area located underground or on the surface; and
  - (c) to dilute or remove contaminants from all work areas located underground or on the surface to prevent exposure of a worker to contaminants in excess of the values specified in the *2001 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices*, published by the American Conference of Governmental Industrial Hygienists.

**10. The English version of section 1.46 is amended by striking out "accessible a record" and by substituting "accessible, and a record".**

**11. Paragraph 1.47(a) is amended by striking out "19%" and by substituting "19.5%".**

**12. Section 1.49 is repealed and the following is substituted:**

- 1.49.** Any structure housing ventilating fans shall be
- (a) constructed of non-combustible material; or
  - (b) separated from the ventilating fans by a fire break or fire protection shielding.

**13. Section 1.51 is repealed and the following is substituted:**

**1.51.** (1) The manager of the mine shall develop procedures for reversing the direction of flow of the main ventilating air current at a mine and submit those procedures to the Committee and to the chief inspector for approval.

(2) The direction of flow of the main ventilating air current shall not be reversed without the authorization of the manager.

**14. Section 1.52 is amended by adding "and the co-chairpersons of the Committee" after "chief inspector".**

**15. Section 1.53 and the subheading "Authorization Required for Main Fan Underground" preceding that section are repealed.**

**16. Section 1.54 is amended by**

- (a) striking out "and" at the end of paragraph (a);**
- (b) repealing paragraph (b) and by substituting the following:**
  - (b) a continuous supply of air shall be provided and used to dilute and remove contaminants in a raise and in a sub-drift for any advance in excess of 10 m from a main or auxiliary mine ventilation system airflow; and
- (c) for any work area other than one mentioned in paragraph (a) or (b), auxiliary ventilation shall be maintained within 15 m of the work face.**

**17. That portion of section 1.58 preceding paragraph (c) is repealed and the following is substituted:**

**1.58.** Compressed air used for ventilation in a raise, sub-drift or refuge station shall be

- (a) continuously supplied to the raise, sub-drift or refuge station through a separate air line;**
- (b) controlled only at the beginning of the raise or sub-drift or, in the case of a refuge station, controlled only inside the refuge station;**

**18. Section 1.59 is repealed.**

**19. Section 1.60 is amended by striking out "At every underground mine employing 50 or more persons underground, the manager" and by substituting "The manager of an underground mine".**

**20. Section 1.62 is repealed.**

**21. Section 1.63 is amended by striking out "senior person responsible for safety of the mine" and by substituting "senior supervisor of the mine".**

**22. Subsection 1.68(1) is amended by**

- (a) striking out "and" at the end of paragraph (c);**

**(b) adding the following after paragraph (c):**

- (c.1) provide a water spray in all areas where unconsolidated materials are being removed; and

**23. (1) Paragraph 1.70(1)(d) is amended by adding "or shift boss" after "supervisor".**

**(2) Subsection 1.70(2) is repealed and the following is substituted:**

(2) A record of the encounter shall be entered in the daily log-book and shall be countersigned by the next supervisor or shift boss.

**24. Paragraph 1.77(c) is repealed and the following is substituted:**

- (c) when a storage battery is of no further use, it is disposed of in a manner acceptable to the chief inspector that prevents spillage of electrolyte; and

**25. That portion of section 1.78 preceding paragraph (a) is amended by striking out "An employee" and by substituting "The manager shall ensure that a qualified person".**

**26. Sections 1.81 to 1.83 are repealed and the following is substituted:**

**1.81.** No workings in a mine shall approach or be conducted within 100 m of old workings or abandoned workings until the manager

- (a) has caused an examination of the old workings or abandoned workings to be made to determine their condition; and  
(b) has made available to the Committee the findings respecting the examination.

**1.82.** If old workings or abandoned workings are not accessible for examination, the manager shall develop a safe work procedure for work within 100 m of the workings and shall submit the safe work procedure to the Committee for review.

**1.83.** No work shall be done within 100 m of the old or abandoned workings described in section 1.82 until the Committee has approved the procedure prepared under that section.

**27. Section 1.89 and that portion of section 1.91 preceding paragraph (a) are amended by striking out "owner" and by substituting "manager".**

**28. Section 1.102 is amended by striking out "less than 70° to the horizontal" and by substituting "70° or less and 50° or more from the horizontal".**

**29. The following is added after section 1.104:**

Raise Mining

**1.104.1.** If raise mining is carried out by conventional mining methods, all raises inclined at more than 50° from the horizontal with a slope distance greater than 20 m shall

- (a) be divided into two compartments with one compartment maintained as a manway equipped with a cover on top of it during blasting;
- (b) be provided with landings at intervals not greater than 7 m;
- (c) be provided with safety staging in the muck compartment while work, other than work extending the timber in accordance with section 8.11, is being done above the timber; and
- (d) be maintained with timbering within 10 m from the face while the timber is being extended in accordance with section 8.11.

**1.104.2.** (1) The manager shall ensure that procedures are developed and implemented for work in raise mining for each of the following:

- (a) open raise;
- (b) timber raise;
- (c) alimak raise.

(2) The procedures developed under subsection (1) must address all safety concerns relevant to the type of raise concerned, including but not limited to the following:

- (a) ventilation and dust control;
- (b) warning signs;
- (c) stagings;
- (d) tigger hoist;
- (e) drilling face;
- (f) ground support;
- (g) ladders and landings;
- (h) muck control;
- (i) blasting procedures;
- (j) basket and equipment safety;
- (k) communication;
- (l) inspection and log books.

(3) The manager shall submit the procedures developed under subsection (1)

- (a) to the Committee for review; and
- (b) to the chief inspector for approval.

**30. The English version of section 1.106 is amended by adding "in," before "on or against".**

**31. Section 1.113 is repealed and the following is substituted:**

**1.113.** The manager shall ensure that the surveying of a mine and the preparation of mine plans required by these regulations are conducted by a qualified person.

**32. Section 1.119 is amended by**

- (a) **adding "magazines," after "buildings," in paragraph (a); and**

- (b) **adding "fuel lines, permanent backfill lines, fuel storage areas," after "explosive storage areas," in paragraph (b).**

**33. Section 1.121 and the subheading "Inspector to Examine" preceding that section are repealed.**

**34. Subsection 2.01(6) is repealed and the following is substituted:**

(6) A person who works for a period longer than eight hours a day shall take, away from the work site, no less than

- (a) 14 days of rest after 42 days of work; or
- (b) one day of rest for every three days of work after any period of work that is less than 42 days.

**35. The French version of subsection 2.02(1) is repealed and the following is substituted:**

**2.02.** (1) Sous réserve du paragraphe (2), sur demande du directeur, l'inspecteur en chef peut modifier les heures précisées au paragraphe 2.01(1) ou (2) en établissant des heures de travail sous réserve de conditions pour des secteurs désignés de la mine ou pour des catégories d'emplois désignées.

**36. Sections 2.04 and 2.05 are repealed and the following is substituted:**

**2.04.** Where the manager applies for a variance under section 2.02, the manager shall inform every employee who may be affected by the variance by posting a notice of the application in a conspicuous place in the mine for a period of seven days.

**2.05.** If the chief inspector grants a variance under section 2.02, the manager shall inform every employee affected by the variance by posting a notice of the variance in a conspicuous place in the mine while the variance is in effect.

**37. The definition "management co-chairperson" in section 3.01 is repealed and the following is substituted:**

"management co-chairperson" means the co-chairperson chosen by the management members of the Committee from among the management members appointed to the Committee;

**38. The English version of subsection 3.02(2) is amended by striking out "Manager" and by substituting "manager".**

**39. The following is added after section 3.10:**

#### Meetings

**3.11.** A Committee shall meet within 30 days from the day the Committee is established, and at least once each month thereafter.

**3.12.** (1) The co-chairpersons shall cause minutes of a meeting referred to in section 3.11 to be kept.

(2) The co-chairpersons of a Committee shall send a copy of the minutes of each meeting of the Committee to

- (a) the manager;
- (b) the union local, if any; and
- (c) the chief inspector.

**3.13.** The manager shall post the minutes received pursuant to subsection 3.12(2) in conspicuous locations at the mine.

**40. The heading "Meetings" preceding section 3.14 is repealed.**

**41. The following is added after section 3.18:**

Recommendations

**3.18.1.** Where, under paragraph 12(c) of the Act, a Committee makes recommendations to the manager and the employees in respect of occupational health and safety, the manager shall respond, in writing, to the Committee within 15 days after the manager receives the recommendations.

**42. Sections 3.20 to 3.24 are repealed and the following is substituted:**

**3.20.** (1) For the purposes of carrying out an inspection under section 3.19, the Committee may establish inspection teams.

(2) An inspection team shall consist of at least one worker member of the Committee and one management member of the Committee, each of whom have knowledge of the work carried out at the work sites to be inspected.

**3.21.** Within 48 hours after an inspection referred to in section 3.19 has been completed, the inspection team shall meet to discuss the conditions found during the inspection.

**3.22.** (1) The inspection team shall prepare a report, in writing, respecting an inspection carried out under section 3.19 and shall specify in the report any corrective measures that must be taken and a completion date for the corrective measures.

(2) The inspection team shall send a copy of the report to

- (a) the manager;
- (b) the union local, if any
- (c) the chief inspector; and
- (d) the co-chairpersons of the Committee.

(3) The manager shall post the report received pursuant to subsection (2) in at least one conspicuous location at the mine.

**43. Sections 4.02 to 4.04 are amended by adding "shift boss or" before "supervisor" wherever it appears.**

**44. Section 4.05 is repealed and the following is substituted:**

**4.05.** If the investigation required by section 4.04 does not resolve the matter to the satisfaction of the employee who made the report under section 4.03, a further investigation shall be made by the supervisor or other management representative in the presence of the employee who made the report, together with an employee who

- (a) has knowledge of the work in question; and
- (b) is a worker selected by the employee refusing to carry out the work.

**45. Paragraph 4.07(a) is amended by striking out "peculiar" and by substituting "relatively unique".**

**46. That portion of section 4.09 preceding paragraph (a) is amended by adding "in the presence of the employee" after "shall conduct an investigation".**

**47. Section 4.10 is amended by striking out "the remedial action required" and by substituting "recommends the remedial action that the Committee has determined is required".**

**48. Section 4.11 is amended by adding ", the worker co-chairperson" after "the employee who made the report".**

**49. Subsection 5.02(1) is repealed and the following is substituted:**

**5.02.** (1) Subject to subsection (2), the manager shall ensure that every person working in the mining activity of an open pit mine is under the supervision of

- (a) the holder of an open pit supervisor's certificate, level II, if no drilling or blasting is being done; or
- (b) the holder of an open pit shift boss certificate, in any other case.

**50. The heading "Management Structure Chart" preceding section 5.05 and subsection 5.05(1) are repealed and the following is substituted:**

#### Organizational Chart

**5.05.** (1) The manager shall prepare an organizational chart showing the job titles for the positions within the organization and the reporting relationships between the positions.

**51. Section 5.06 is amended by striking out "management structure chart" and by substituting "organizational chart".**

**52. Subsections 5.11(1) and (2) are amended by striking out "physical".**



**53. Section 6.01 is amended by renumbering it as subsection 6.01(1) and by adding the following after subsection (1):**

(2) Copies of all records of the training referred to in subsection (1) shall be made available, on request, to an inspector or the Committee.

**54. Section 6.02 is amended by adding "to the Committee and" after "that are acceptable".**

**55. Paragraphs 6.03(k) and (l) are repealed and the following is substituted:**

- (k) evacuation procedures;
- (l) instruction on the use of personal protective equipment; and
- (m) such other matters as the trainer considers necessary or the chief inspector may require.

**56. Section 6.07 is amended by striking out "and within 5 m of a trainer" and by substituting "a trainer who is an authorized person and who is".**

**57. Section 6.09 is repealed and the following is substituted:**

**6.09.** (1) The training records of each employee shall be maintained at the mine.

(2) At the request of the employee on his or her leaving the employment of the mine, a written statement of the training received by the employee shall be signed by the manager and given to the employee.

**58. (1) Section 6.10 is amended by renumbering it as subsection 6.10(1) and by striking out "details of the training" and by substituting "record of the training".**

**(2) The following is added after subsection 6.10(1):**

(2) The manager shall, on the request of the Committee, provide to the Committee a copy of the record of the training of the employees provided under subsection (1).

**59. Section 6.12 is repealed.**

**60. Section 7.04 is amended by**

- (a) adding "and" at the end of paragraph (a);
- (b) striking out "; and" at the end of paragraph (b) and by substituting a period; and
- (c) repealing paragraph (c).

**1.**

**61. Section 7.05 is amended by striking out "**, a shift boss certificate or a mine surveyor's certificate" **and by substituting "or a shift boss certificate".**

**62. (1) Subsection 7.19(1) is amended by**

- (a) adding "or" to the end of paragraph (c);**
- (b) striking out "or" at the end of paragraph (d); and**
- (c) repealing paragraph (e).**

**(2) Subsection 7.19(2) is amended by**

- (a) striking out "and" at the end of paragraph (b);**
- (b) striking out the period at the end of paragraph (c) and by substituting "; and"; and**
- (c) adding the following after paragraph (c):**
  - (d) give a copy of the notice of suspension to the co-chairpersons of the Committee.

**2.**

**(3) Subsection 7.19(5) is amended by**

- (a) striking out "and" at the end of paragraph (a);**
- (b) striking out the period at the end of paragraph (b) and by substituting "; and"; and**
- (c) adding the following after paragraph (b):**

**3.**

- (c) to the co-chairpersons of the Committee.

**63. Section 7.20 is repealed.**

**64. (1) Subsection 7.28(1) is amended by**

- (a) striking out "and" at the end of paragraph (b);**
- (b) striking out the period at the end of paragraph (c) and by substituting "; and"; and**
- (c) adding the following after paragraph (c):**

**4.**

- (d) give a copy of the notice of suspension to the co-chairpersons of the Committee.

**(2) Subsection 7.28(4) is amended by**

- (a) striking out "and" at the end of paragraph (a);**
- (b) striking out the period at the end of paragraph (b) and by substituting "; and"; and**
- (c) adding the following after paragraph (b):**

- (c) to the co-chairpersons of the Committee.

**65. That portion of section 7.38 following paragraph (c) is repealed and the following is substituted:**

**5.**

the manager shall

- (d) suspend the holder of the certificate from his or her blasting duties; and
- (e) give the chief inspector and the co-chairpersons of the Committee written notice of the suspension within 24 hours of the suspension.

**66. Section 7.40 is repealed and the following is substituted:**

**7.40.** Where a blasting certificate is suspended or cancelled under section 7.39, the inspector shall, without delay, send a notice of suspension or cancellation of the certificate

- (a) to the holder of the certificate;
- (b) to the manager; and
- (c) to the co-chairpersons of the Committee.

**67. Section 7.43 is amended by**

- (a) **striking out "and" at the end of paragraph (a);**
- (b) **striking out the period at the end of paragraph (b) and by substituting "; and"; and**
- (c) **adding the following after paragraph (b):**
  - (c) to the co-chairpersons of the Committee.

**68. That portion of section 7.44 following paragraph (c) is repealed and the following is substituted:**

the manager shall

- (d) suspend that person from his or her duties; and
- (e) give the chief inspector and the co-chairpersons of the Committee written notice of the suspension within 24 hours of the suspension.

**69. Section 7.46 is repealed and the following is substituted:**

**7.46.** Where a hoist operator's certificate is suspended or cancelled under section 7.45, the inspector shall, without delay, send a notice of suspension or cancellation of the certificate

- (a) to the holder of the certificate;
- (b) to the manager; and
- (c) to the co-chairpersons of the Committee.

**70. Subsection 7.49 is amended by**

- (a) **striking out "and" at the end of paragraph (a);**
- (b) **striking out the period at the end of paragraph (b) and by substituting "; and"; and**
- (c) **adding the following after paragraph (b):**
  - (c) to the co-chairpersons of the Committee.

**71. Section 8.08 is amended by striking out "hand" wherever it appears.**

**72. Subsection 8.11(2) is amended by striking out "CSA Standard Z259.1-1976, *Fall Arresting Safety Belts and Lanyards for the Construction and Mining Industries*" and by substituting "CAN/CSA-Z259.10-M90 *Full Body Harnesses*".**

**73. The following is added after section 8.14:**

**8.14.1.** (1) Every commercial diving operation shall be carried out in accordance with the following Canadian Standards Association Standards:

- (a) CAN/CSA-Z275.2-92 *Occupational Safety Code for Diving Operations*;
- (b) CAN/CSA-Z275.4-02 *Competency Standard for Diving Operations*.

(2) In this section, "commercial diving operation" means any diving activity conducted under water by a person or persons for compensation.

**74. Section 8.17 and the subheading "Water in Ore or Waste Pass" preceding that section are repealed.**

**75. The English version of subsection 8.18(4) is amended by striking out "to protect the area against inadvertent access" and by substituting "in order that the area will not be accessed inadvertently".**

**76. Section 8.20 is repealed and the following is substituted:**

**8.20.** Before a person is allowed to work close to or on top of a stockpile of unconsolidated material, the stockpile shall be

- (a) inspected for hazardous conditions by an authorized person; and
- (b) made safe.

**6.**

**77. Paragraph 8.24(b) is amended by striking out ", barricades or guarding" and by substituting "and by barricades or guarding".**

**78. Subsections 8.26(2) and (3) are repealed and the following is substituted:**

(2) No person shall introduce water into an ore or waste pass, a loading pocket, hopper, storage bin or a completed large diameter bore hole for any purpose unless the introduction is in accordance with procedures developed by the manager and discussed with the Committee.

(3) A copy of the procedures referred to in subsection (2) shall be submitted to the chief inspector, and no water shall be introduced into an ore or waste pass, a loading pocket, hopper, storage bin or a completed large diameter bore hole until the procedures referred to in subsection (2) have been approved by the chief inspector.

(4) Where for any reason a raise, ore or waste pass, chute or other mine working containing ore, waste or fill may also contain an accumulation of water, no employee shall pull

or be permitted by the manager to pull material from that place until such time as the manager has established a safe procedure for doing that work.

(5) The manager shall send a copy of the procedures referred to in subsections (1), (2) and (4) to the Committee for review.

**79. Subsection 8.28(2) is repealed and the following is substituted:**

- (2) The procedures required by subsection (1) shall be
- (a) submitted to the Committee for review; and
  - (b) sent to the chief inspector for his or her approval.

**80. Section 8.37 is amended by striking out "given to each member" and by substituting "provided to the co-chairpersons".**

**81. Paragraph 8.43(a) is repealed and the following is substituted:**

- (a) has the qualifications specified in Schedule 3.1 for the number of persons at the mine, or an equivalent or greater qualification or certificate;

**82. The following is added after subsection 8.47(2):**

(3) The person in charge of a first aid facility at a mine shall maintain a record of each check completed under subsection (2).

**83. Subsection 8.48 is repealed and the following is substituted:**

**8.48.** Where the time for the surface transportation of a person from a mine to the nearest hospital exceeds 20 minutes, the owner shall

- (a) provide a first aid facility that is provided with first aid equipment and supplies that meet the requirements of Schedule 2; and
- (b) notwithstanding paragraph 8.43(a), ensure that the first aid facility is in the charge of a person who holds a valid St. John Ambulance Advanced First Aid, Level 2 certificate or an equivalent or greater qualification or certificate.

**84. The heading "Employees to be Trained" preceding section 8.55 is repealed and the following heading is substituted:**

Mine Rescue Training and Mine Rescue Teams

**85. Section 8.56 is repealed and the following is substituted:**

**8.56.** The manager shall ensure that

- (a) a sufficient number of qualified persons are trained as mine rescue team members;
- (b) a sufficient number of qualified persons who are trained as mine rescue team members are readily available at the mine when persons are normally at work in the mine; and
- (c) at least two teams, or such other number of teams as may be required by the chief inspector, are readily available to get to the mine when persons are normally at work in the mine.

**86. Section 8.64 is repealed and the following is substituted:**

**8.64.** The manager shall ensure that procedures for mine rescue operations are developed and followed according to a standard acceptable to the chief inspector.

**87. Section 8.66 is repealed and the following is substituted:**

**8.66.** The manager shall ensure that a refuge station is located within the closer of the following distances from an active workplace in an underground mine:

- (a) 1 km;
- (b) a distance that takes no more than 15 minutes to travel.

**88. Paragraph 8.71(a) is amended by**

- (a) **adding "the following:" after "with" in that portion preceding subparagraph (i);**
- (b) **repealing subparagraph (vii);**
- (c) **adding "and" to the end of the English version of clause (x)(B);**
- (d) **striking out ", and" at the end of subparagraph (xi) and by substituting a semi-colon; and**
- (e) **repealing subparagraph (xii).**

**89. Section 8.72 is amended by adding ", semi-annually," after "trained".**

**90. That portion of subsection 9.03(1) preceding paragraph (a) is amended by striking out "annually" and by substituting "at least once every three years".**

**91. The following is added after section 9.03:**

**9.03.1.** Wherever practicable, the manager, after consultation with the Committee, may develop procedures for the use of water sprays and other dust suppression devices or personal protective equipment to be used at every dusty worksite.

**92. Subsection 9.20(3) is amended by striking out "the range of noise levels measured" and by substituting "that hearing protection is required".**

**93. Section 9.21 and the subheading "Abatement of Noise Levels" preceding that section are repealed.**

**94. That portion of subsection 9.26(1) preceding paragraph (a) is amended by striking out "who, in the opinion of the chief inspector, is qualified to conduct such tests" and by substituting "who is certified, by a body acceptable to the chief inspector, to conduct such tests".**

**95. The following is added after subsection 9.27(2):**

(3) The manager shall provide to the Committee a copy of any designation made under subsection (2).

**96. Section 9.47 is repealed.**

**97. Section 9.51 is amended by striking out "between the hours of sunset and sunrise".**

**98. (1) Subsection 9.54(1) is repealed and the following is substituted:**

**9.54.** (1) The manager of an underground mine shall develop a procedure for the testing and maintenance of cap lamps.

**(2) Subsection 9.54(2) is amended by striking out "and portable lamps".**

**99. (1) Paragraph 9.69(4)(b) is repealed.**

**(2) Subsection 9.69(5) is amended by**

- (a) striking out "and" at the end of paragraph (d);**
- (b) striking out the period at the end of paragraph (e) and by substituting "; and"; and**
- (c) adding the following after paragraph (e):**
  - (f) be provided with adequate heat and light.**

**100. Section 9.74 is repealed and the following is substituted:**

**9.74.** Every manager shall ensure that an employee who is to engage in the manual lifting, holding or carrying of loads receives, annually, appropriate training in safe methods of manual lifting, holding or carrying loads.

**7.**

**101. (1) Subsection 9.75(1) is amended by adding "or whole body" before "vibration".**

**(2) Paragraph 9.75(2)(b) is repealed.**

**8.**

**(3) The following is added after subsection 9.75(2):**

(3) The manager shall ensure that anti-vibration insulated gloves or footwear are provided to an employee, at the expense of the owner, where they are required to protect the employee from vibration.

**102. Section 9.77 is amended by renumbering it as subsection 9.77(1) and by adding the following after subsection (1):**

(2) The manager, after consulting with the Committee, shall develop procedures acceptable to the chief inspector regarding the use and servicing of x-ray and other ionizing radiation emitting devices.

**103. (1) Subsection 10.01(1) is amended by**

- (a) striking out "and" at the end of paragraph (a);**
- (b) striking out the period at the end of paragraph (b) and by substituting "; and"; and**
- (c) adding the following after paragraph (b):**

(c) acceptable to the chief inspector.

**(2) Subsection 10.01(2) is repealed.**

**104. Section 10.02 is repealed.**

**105. (1) Section 10.06 is amended by renumbering it as subsection 10.06(1) and by striking out "a mobile equipment unit" and by substituting "an underground mobile equipment unit".**

**(2) The following is added after subsection 10.06(1):**

(2) The manager shall establish a procedure for the safe operation of surface equipment that is required to be running and is unattended.

**106. Paragraph 10.14(d) is amended by striking out "practising" and by substituting "familiarization with".**

**107. Section 10.24 and the subheading "Annual Inventory" preceding that section are repealed.**

**108. Paragraph 10.29(3)(b) is repealed and the following is substituted:**

(b) clearance lights, reflectors and direction of travel indicator devices that are suitable and acceptable to the chief inspector.

**109. Subsection 10.30(9) is amended by striking out "within the limits of the secondary braking distance determined by the formula in paragraph 10.33(2)(e)".**



**110. Section 10.31 to 10.36, and the subheadings immediately preceding sections 10.31, 10.34, 10.35 and 10.36, are repealed and the following is substituted:**

**10.31.** (1) The manager shall ensure that a procedure is established, in accordance with the manufacturer's recommendations, for the testing of each braking system of all mobile equipment that is used in underground or surface operation.

- (2) The manager shall submit the procedures developed under subsection (1)
- (a) to the Committee for review; and
  - (b) to the chief inspector for approval.

(3) Every mobile equipment operator must be trained in the procedures approved by the chief inspector under subsection (2) in a training program established and maintained under section 6.02.

**111. Subsection 10.38(1) is repealed and the following is substituted:**

**10.38.** (1) Where mobile equipment depends on power for steering and the loss of power might prevent the equipment from being steered manually,

- (a) an auxiliary device shall be installed that will enable the operator to steer the equipment for a sufficient period of time to bring it to a safe stop; or
- (b) the mobile equipment must have a steering system acceptable to the chief inspector.

(1.1) Subsection (1) does not apply to a rubber tired vehicle that is restricted to underground use and that has a maximum speed of 20 km/h.

**112. Subsection 10.39(1) is amended by striking out "at least once every 12 months or in accordance with a schedule specified by the chief inspector" and by substituting "in accordance with the manufacturer's instructions".**

**113. The following is added after subsection 10.40(4):**

- (5) No tire shall be used past the manufacturer's recommended wear.

**114. Subsection 10.43(4) is amended by adding "who is qualified to do so" after "A professional engineer".**

**115. Subsection 10.53(2) is amended by striking out "barrier has been erected to prevent equipment from going over the drop-off" and by substituting "barrier has been erected that is sufficient in size and strength to prevent inadvertent entry".**

**116. The following is added after subsection 10.59(3):**

(4) No diesel or propane powered vehicle or equipment shall be operated inside a building for the purpose of servicing the vehicle unless it is equipped with an exhaust gas scrubber acceptable to an inspector.

**117. Subsection 10.60(2) is amended by**

- (a) adding "and" at the end of paragraph (a);**
- (b) striking out "; and" at the end of paragraph (b) and by substituting a period; and**
- (c) repealing paragraph (c).**

**118. The English version of subsection 10.62(3) is amended by striking out "at the time of maximum exposure".**

**119. Paragraph 10.65(b) is repealed and the following is substituted:**

- (b) prevent the equipment from operating in an area where persons may be endangered in the retrieval of the equipment if it broke down.**

**9.**

**120. Paragraph 10.69(b) is amended by striking out "15%" and by substituting "45°".**

**121. Paragraph 10.93(3)(h) is amended by striking out "and is equipped" and by substituting "or is equipped".**

**122. (1) The following is added after subsection 10.94(1):**

(1.1) The seat referred to in paragraph (1)(d) shall be well maintained in a comfortable and shock absorbing condition that reduces the transfer of machine induced whole body vibrations to the operator.

**(2) Paragraph 10.94(2)(c) is amended by**

- (a) striking out "and" at the end of subparagraph (ii);**
- (b) striking out the semi-colon at the end of subparagraph (iii) and by substituting ", and"; and**
- (c) adding the following after subparagraph (iii):**
  - (iv) disconnect all power sources;**

**123. Paragraphs 10.121(2)(a) and (b) are repealed and the following is substituted:**

- (a) the person is trained and authorized to use the tool;**
- (b) the person is wearing, and has received training on, the proper personal protective equipment required for the safe operation of the equipment; and**

**124. Subsection 10.126(4) is repealed and the following is substituted:**

(4) A lifting device, pulling device or utility hoist and its support or anchorage system shall be maintained by a qualified person so that it does not endanger the safety of workers.

**125. The following is added after section 10.126:**

Slushers

**10.126.1.** The manager, in consultation with the Committee, shall develop a procedure for the safe operation of slushers that addresses the following:

- (a) all slusher blocks shall be equipped with functional safety latches that will prevent the block from flying off of the eyebolt or cable bolt when put under load;
- (b) all slushers shall be equipped with a cable back lash guard;
- (c) when there is more than one person working in the same area, an appropriate signalling system must be employed;
- (d) the air supply or electrical power source to a slusher must be shut off before anyone is allowed to proceed into the slusher area;
- (e) when a slusher cable crosses a travel way, barricades must be installed 5 m on both sides of the cable to prevent inadvertent access into the slusher area when the slusher is in operation.

**126. (1) That portion of subsection 10.128(1) preceding paragraph (a) is repealed and the following is substituted:**

**10.128.** (1) Every crane, shovel, dragline, boom truck or similar type of equipment that uses a rope or cable to raise, lower or swing a load or materials during its work cycle shall be

**(2) That portion of subsection 10.128(2) preceding paragraph (a) is repealed and the following is substituted:**

(2) A new or used crane, shovel, dragline, boom truck or similar type of equipment that uses a rope or cable to raise, lower or swing a load or materials during its work cycle shall not be put into service unless

**(3) Subsection 10.128(3) is repealed and the following is substituted:**

(3) In addition to the requirements of sections 10.13 to 10.15, an operator of a crane, shovel, dragline, boom truck or similar type of equipment that uses a rope or cable to raise, lower or swing a load or materials during its work cycle shall be qualified in accordance with a program acceptable to the chief inspector.

**127. (1) Subsection 10.130(2) is amended by striking out "at intervals not exceeding 12 months" and by substituting "annually".**

**(2) Subsection 10.130(3) is amended by striking out "sent to the chief inspector within 14 days of the test" and by substituting "sent to the Committee within 30 days after the test and made available to the chief inspector".**

**128. (1) Paragraph 10.132(3)(b) is amended by striking out "at intervals not exceeding 12 months" and by substituting "annually".**

**(2) Subsection 10.132(4) is amended by striking out "sent to the chief inspector within 14 days after the test" and by substituting "sent to the Committee within 30 days after the test and made available to the chief inspector".**

**129. (1) The heading "Platforms" preceding section 10.133 is repealed and the following is substituted:**

Working on Platforms and Other Elevated Equipment

**(2) Subsections 10.133(4) and (5) are repealed and the following is substituted:**

(4) No person shall ride on a load, sling or hook.

(4.1) No person shall ride on a work platform or other similar elevated equipment unless that person is specifically authorized by the manager to do so.

(4.2) The manager may authorize a person to ride on a work platform or other similar equipment only if it is necessary to the work process and it is impractical to provide another means of access.

(5) Subject to sections 1.91, 1.92, 10.89 and 11.57, a work platform suspended from hoisting equipment shall

- (a) be designed by a professional engineer and copies of the design and fabrication drawings for it shall be kept at the mine;
- (b) be equipped with standard guardrails on all open sides in accordance with sections 1.91 and 1.92 or be enclosed to provide equivalent protection;
- (c) be clearly marked with an identification number, the weight of the platform and rigging and the safe working load of the platform;
- (d) have supporting hooks and shackles latched or moused to prevent dislodgment; and
- (e) not use spreader bars between the load hook and the platform.

**130. (1) Paragraph 10.135(2)(e) is repealed and the following is substituted:**

- (e) when a cylinder
  - (i) is being moved or is not in use, the regulators and gauges are removed and the valve protection cover or cap is secured on the cylinder, or
  - (ii) is used in a shop or plant, the regulators and gauges may remain on the cylinder if it is protected and secured in a specifically designed cart or area;

**(2) Subsection 10.135(11) is amended by**

- (a) striking out "procedure" in that portion preceding paragraph (a) and by substituting "procedures";**
- (b) adding "and" to the end of paragraph (b); and**
- (c) repealing paragraph (c).**

**131. Subsection 10.136(1) is amended by striking out "and from direct sunlight".**

**132. Subsection 11.19(6) is repealed and the following is substituted:**

(6) The maximum number of persons that may be carried in a conveyance shall not exceed

- (a) the ratio of clear floor area divided by 0.2 square m for each person; or
- (b) the load limit for the conveyance.

**133. The following is added after subsection 11.22(3):**

(4) The accumulation of any potential hazard, including but not limited to ice buildup, shall be removed from the headframe and the shaft.

**134. Subsection 11.95(4) is repealed and the following is substituted:**

(4) Where persons are underground in an area of a mine served by a hoist other than an automatic hoist, the person in charge of the conveyance shall, when not riding in the conveyance, release to the hoist operator and remain within close proximity of the shaft to hear the sound of the cage call or hoisting signals in case of an emergency.

**135. The following is added after subsection 11.98(2):**

(3) The manager shall develop a procedure for shaft examination and provide it to the Committee for review and to the chief inspector.

**136. Section 11.103 is amended by**

- (a) repealing paragraph (b) and by substituting the following:**
  - (b) remain at the hoist controls at all times that the hoist is in motion under manual control until the hoist is put on automatic control or the brakes and the controls have been set so that at least two separate and distinct actions are required to put the hoist in motion;
- (b) repealing paragraph (g).**

**137. Subsection 11.116(13) is amended by adding ", the test load" after "The date".**

**138. Subsection 12.03(1) is amended by**

- (a) **striking out** "at intervals not exceeding 12 months" **in paragraph (b); and**
- (b) **striking out** "in each 12 month period" **in paragraph (c) and by substituting** "annually".

**10.**

**139. Subsection 12.05(2) is amended by striking out** "a storage area" **and by substituting** "an underground storage area".

**140. Subsection 12.15(1) is amended by**

- (a) **striking out** "underground"; **and**
- (b) **striking out** ", stationary diesel engines and electric motors" **and by substituting** "and stationary diesel engines".

**141. (1) Subsection 12.16(2) is repealed and the following is substituted:**

(2) The manager shall ensure that all fire fighting equipment provided at the mine is inspected by an authorized person at least once each month and that the results of the inspection are

- (a) noted on the fire fighting equipment's tag;
- (b) entered in a log-book kept for that purpose; or
- (c) entered in the mobile equipment log book.

**(2) Subsection 12.16(4) is repealed and the following is substituted:**

(4) The manager shall notify the Committee of any concerns brought to his or her attention under subsection (3) and ensure that those concerns are dealt with as soon as is practicable.

**142. Subsection 12.17(1) is amended by striking out** "underground or in or near a headframe or a fire hazard area designated by the manager,".

**143. The English version of section 13.04 is amended by renumbering paragraph (d) as paragraph (c).**

**144. The following is added after 14.26:**

**14.27.** Explosives at a mine, if not used, shall be returned to the magazine or a day bench, and not left about the mine.

**145. Subsection 15.02(3) is amended by striking out** "Where a Committee is in place, the Committee" **and by substituting** "The Committee".

**146. Section 15.04 is repealed and the following is substituted:**

**15.04.** At exploration drill sites, the manager shall ensure that each member of the drill crew has the qualifications specified in Schedule 3.1 for the number of persons at the drill site, or an equivalent or greater qualification or certificate that is acceptable to the chief inspector.

**147. Schedule 3.1 as set out in the schedule to these regulations is added after Schedule 3.**

**148. These regulations come into force February 28, 2003.**

**SCHEDULE**

**SCHEDULE 3.1**

*(Paragraph 8.43(a), section 15.04)*

**REQUIREMENTS OF FIRST AID ATTENDANTS**

In the following table, "number of persons at the mine or site" means the total number of individuals living at the mine or site, as the case may be, and includes staff members, hourly employees on or off shift, contractors, visitors, pilots and any other individuals.

**TABLE**

NUMBER OF PERSONS AT THE MINE OR SITE	QUALIFICATIONS
1 TO 8	Holder of a current St. John Ambulance Standard First Aid Certificate or Canadian Red Cross Standard First Aid Certificate
9 TO 20	Holder of a current St. John Ambulance Advanced First Aid, Level 1 Certificate or Canadian Red Cross First Responder Certificate (for a one week course)
21 TO 60	Holder of a current St. John Ambulance Advanced First Aid, Level 2 Certificate or Canadian Red Cross First Responder Certificate (for a two week course)
MORE THAN 60	Medical professional, including a doctor, nurse, paramedic or emergency medical technician, who is currently certified or registered by a Canadian jurisdiction and holds a current St. John Ambulance Advanced First Aid, Level 2 Certificate or a Canadian Red Cross First Responder Certificate (for a two week course)