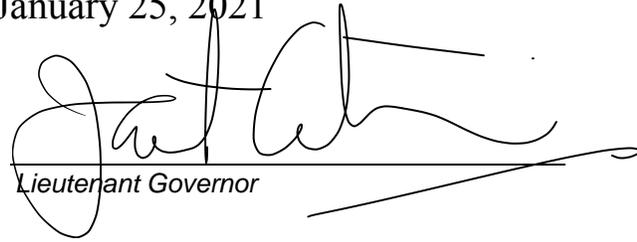


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 027

, Approved and Ordered January 25, 2021



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) effective April 1, 2021, and subject to paragraph (b), the amendments to the Health, Safety and Reclamation Code for Mines in British Columbia, as prepared by the Health, Safety and Reclamation Committee and set out in the attached Schedule, are approved, and
- (b) effective July 31, 2021, approval is given to section 3.3.6 of the Health, Safety and Reclamation Code for Mines in British Columbia, as enacted by section 5 of the amendments referred to in paragraph (a).



Minister of Energy, Mines and Low Carbon Innovation



Presiding Member of the Executive Council

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*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: Mines Act, R.S.B.C. 1996, c. 293, s. 34 (6)

Other: \_\_\_\_\_

## SCHEDULE

### ***1 The definition section of the Health, Safety and Reclamation Code for Mines in British Columbia is amended***

- (a) ***by repealing the definition of “bulk shipment”, “container”, “hazard information”, “hazardous waste”, “label”, “manufactured article”, “product identifier”, “readily available”, “material safety data sheet”, “supplier label” and substituting the following:***

*“bulk shipment”* means a shipment of a hazardous product that is contained in any of the following, without intermediate containment or intermediate packaging:

- (a) a vessel that has a water capacity of equal to or greater than 450 L;
- (b) a freight container, road vehicle, railway vehicle or portable tank;
- (c) the hold of a ship;
- (d) a pipeline.

*“container”* includes a bag, barrel, bottle, box, can, cylinder, drum, or similar package or receptacle.

*“hazard information”* means information on the proper and safe use, storage, and handling of a hazardous product and includes information relating to its health and physical hazards.

*“hazardous waste”* means a hazardous product or other substance that is acquired or generated for recycling or recovery or is intended for disposal.

*“label”* means a group of written, printed or graphic information elements that relate to a hazardous product, which group is designed to be affixed to, printed on or attached to the hazardous product or the container in which the hazardous product is packaged.

*“manufactured article”* means an article that is formed to a specific shape or design during manufacture, the intended use of which, when in that form, is dependent in whole or in part on its shape or design, and that under normal conditions of use will not release or otherwise cause a person to be exposed to a hazardous product.

*“product identifier”* means, in respect of a hazardous product, the brand name, chemical name, common name, generic name, or trade name.

*“readily available”* means, when used in connection with a SDS, present in an appropriate place and in the form of either

- (a) a physical copy that can be handled, or
- (b) an electronic copy,

that is accessible to a worker at all times.

*“safety data sheet”* or *“SDS”* means a document that contains, under the headings that, by virtue of the regulations made under subsection 15 (1) of the *Hazardous Products Act* (Canada), are required to appear in the document, information about a hazardous product, including information related to the hazards associated with any use, handling or storage of the hazardous product in a work place.

“*supplier label*” means a label provided by a supplier that contains the information elements required by the *Hazardous Products Act* (Canada).

“*workplace label*” means a label that discloses

- (a) a product identifier that is identical to that found on the SDS of the corresponding hazardous product,
- (b) information for the safe handling of the hazardous product that is conveyed in a manner appropriate to the workplace, and
- (c) that a SDS, if supplied or produced, is available. , **and**

**(b) by adding the following definitions:**

“*CAS registry number*” means the identification number assigned to a chemical by the Chemical Abstracts Service, a division of the American Chemical Society.

“*direct reading atmospheric testing device*” means a tool used for detecting and measuring worker exposure to gases, vapors, aerosols and fine particulates suspended in air.

“*fugitive emission*” means a gas, liquid, solid, vapour, fume, mist, fog or dust that escapes from process equipment, emission control equipment or from a product where workers may be readily exposed.

“*hazardous product*” means any product, mixture, material or substance that is classified in accordance with the regulations made under section 15(1) of the *Hazardous Products Act* (Canada) in a category or subcategory of a hazard class listed in Schedule II of that Act.

“*health professional*” means

- (a) a physician who is registered, and entitled under the laws of a province to practise medicine and who is practising medicine under those laws in that province, and
- (b) a nurse who is registered or licensed and entitled under the laws of a province to practise nursing and who is practising nursing under those laws in that province.

“*laboratory sample*” means a sample of a hazardous product that is packaged in a container that contains less than 10 kg of the hazardous product and is intended solely to be tested in a laboratory, but does not include a sample that is to be used

- (a) by the laboratory for testing other products, mixtures, materials or substances, or
- (b) for educational or demonstration purposes.

“*significant new data*” means new data regarding the hazard presented by a hazardous product that change its classification in a category or subcategory of a hazard class, or result in its classification in another hazard class, or change the ways to protect against the hazard presented by the hazardous product.

“*WHMIS*” means the Workplace Hazardous Materials Information System referred to in section 2.13.

**2 Section 2.11.15 is amended by striking out “Industrial Camps Health Regulations under the *Health Act*” and substituting “Industrial Camps Regulation under the *Public Health Act*”.**

**3 Section 2.13 is repealed and the following substituted:**

**Application**

- 2.13.1** (1) Subject to subsections (2) to (4), sections 2.13.2 to 2.13.20 apply to managers and workers in respect of hazardous products used, stored, or handled at a mine.
- (2) Notwithstanding subsection (1), the provisions of this code in respect of a supplier label and a SDS do not apply if the hazardous product is
- (a) an explosive as defined in section 2 of the *Explosives Act* (Canada),
  - (b) a cosmetic, device, drug or food as defined in section 2 of the *Food and Drugs Act* (Canada),
  - (c) any pest control product as defined in section 2 of the *Pest Control Products Act* (Canada),
  - (d) a nuclear substance, as defined in section 2 of the *Nuclear Safety and Control Act* (Canada), that is radioactive, or
  - (e) any consumer product as defined in section 2 of the *Canada Consumer Product Safety Act*.
- (3) Notwithstanding subsection (1), this code does not apply if the hazardous product is
- (a) wood or a product made of wood,
  - (b) tobacco or a tobacco product as defined in section 2 of the *Tobacco and Vaping Products Act* (Canada),
  - (c) a manufactured article,
  - (d) being transported or handled pursuant to the requirements of the *Transportation of Dangerous Goods Act* (Canada) or the *Transport of Dangerous Goods Act*, or
  - (e) cannabis as defined in section 1 of the *Cannabis Control and Licensing Act*.
- (4) Notwithstanding subsection (1), sections 2.13.2 to 2.13.20 do not apply to a hazardous waste except that the manager must ensure the safe storage and handling of a hazardous waste generated at that mine through the combination of identification, employee education and training, and information required by this code.

**Use, Storage, Handling**

- 2.13.2** (1) The manager must ensure that a hazardous product is not used, stored, or handled at a mine, unless all the applicable requirements of this code in respect of labels, product identifiers, SDSs, and worker education and training are complied with.
- (2) Notwithstanding subsection (1), the manager may store a hazardous product at a mine while actively seeking information required by this code, if the manager ensures that
- (a) the product is stored in a manner that does not pose a risk to the health and safety of a worker or the environment,
  - (b) access to the hazardous product is controlled,
  - (c) the length of time in storage is tracked and must not exceed a period of 90 days at which point the product should be disposed of in accordance with Part 10, and

- (d) a worker who works with or may be exposed to the stored hazardous product is trained in the procedures to be followed in case of an emergency involving the hazardous product.

#### **WHMIS Program**

- 2.13.2.1** If hazardous products are used at the mine the manager, in cooperation with the OHSC, must establish and maintain an effective WHMIS program, that
- (a) is related to the Health and Safety Program required by section 1.6.9 and any other training, instruction and prevention programs for the mine,
  - (b) addresses applicable requirements in the Hazardous Products Regulations (Canada) and this code,
  - (c) is reviewed at least annually, or more frequently if required by a change in work conditions or available hazard information,
  - (d) provides for the periodic evaluation of the knowledge of workers using suitable means such as tests and practical demonstrations, and
  - (e) ensures, so far as is reasonably practical, that the program of worker education and training required by sections 2.13.3 and 2.13.4 (1) results in a person being able to apply the information as needed to protect their health and safety.

#### **Worker Education**

- 2.13.3(1)** The manager must ensure that general WHMIS education, as it pertains to the mine, is provided to workers on the
- (a) elements of the WHMIS program,
  - (b) major hazards of the hazardous products in use at the mine,
  - (c) rights and responsibilities of suppliers, manager and workers, and
  - (d) content required on labels and SDSs, and the significance of this information.
- (2) The manager must ensure that a person who works with a hazardous product or may be exposed to a hazardous product in the course of his or her work activities is informed about all hazard information received from a supplier concerning that hazardous product as well as any further hazard information of which the manager is aware or reasonably ought to be aware concerning the use, storage, and handling of that hazardous product.
- (3) If a hazardous product is produced at a mine, the manager must ensure that a person who works with or in proximity to that hazardous product, or may be exposed to that hazardous product in the course of his or her work activities, has access to all hazard information of which the manager is aware or reasonably ought to be aware concerning that hazardous product and its use, storage, and handling.

#### **Worker Training**

- 2.13.4(1)** The manager must ensure that a person who works with a hazardous product or may be exposed to a hazardous product is instructed in
- (a) the content of the applicable supplier label and workplace label, and the purpose and significance of the information contained on those labels,

- (b) the content required on a SDS and the purpose and significance of the information contained on the SDS,
  - (c) procedures for the safe use, storage, handling, and disposal of a hazardous product,
  - (d) the safe use, storage, handling, and disposal of a hazardous product contained or transferred in
    - (i) a pipe,
    - (ii) a piping system including valves,
    - (iii) a process or reaction vessel, or
    - (iv) a tank car, tank truck, ore car, conveyor belt, or similar conveyance,
  - (e) procedures to be followed where fugitive emissions are present,
  - (f) procedures to be followed in case of an emergency involving a hazardous product, and
  - (g) how to access or obtain the information at the mine referred to in paragraphs (a) to (f).
- (2) The manager of a mine must ensure that the instruction required by subsection (1) is developed and implemented specifically for that mine.

#### **Supplier Label**

- 2.13.5**(1) Subject to any exemptions from labelling requirements in the Hazardous Products Regulations (Canada) and this section, the manager must ensure that the container of a hazardous product or a hazardous product received at a mine is labeled with a supplier label.
- (2) Subject to subsection (3), as long as any amount of a hazardous product remains at a mine in the container in which it was received from the supplier, the manager must not remove, deface, modify, or alter the supplier label.
  - (3) If a label applied to a hazardous product or a container of a hazardous product becomes illegible or is accidentally removed from the hazardous product or the container, the manager must replace the label with either a supplier label or a workplace label.
  - (4) If a manager imports and receives a hazardous product under the Hazardous Products Regulations (Canada) at the mine, without a supplier label or with a supplier label that does not comply with the Hazardous Products Regulations (Canada), the manager must affix a workplace label that meets the requirements of the Hazardous Products Regulations (Canada).
  - (5) The manager must update the labels or the information on containers as soon as significant new data is provided to the manager by the supplier.
  - (6) A manager who has received an unpackaged hazardous product, or a hazardous product transported as a bulk shipment, to which, under the exemption in the Hazardous Products Regulations (Canada), a supplier label has not been affixed or attached, must apply a supplier label to the container of the hazardous product or to the hazardous product at the mine.
  - (7) Subsections (2) and (3) do not apply if a label is removed under normal conditions of use of a hazardous product that is in a container that has a capacity of 3 ml or less and the label interferes with the normal use of the product.

### **Workplace Label for Hazardous Products Produced at a Mine**

- 2.13.6**(1) If a process produces a hazardous product at a mine, the manager must ensure that the hazardous product or the container of the hazardous product has applied to it a workplace label.
- (2) For the purposes of subsection (1), “produces” does not include the production of a fugitive emission.
  - (3) Subsection (1) does not apply if the hazardous product is in a container that is intended to contain the hazardous product for sale or distribution and the container is, or is about to be, appropriately labeled.
  - (4) The manager must update the workplace label for a hazardous product produced by the mine as soon as significant new data are available to the manager.

### **Workplace Label for Decanted Products**

- 2.13.7**(1) If a hazardous product at a mine is in a container other than the container in which it was received from a supplier, the manager must ensure that the container has applied to it a workplace label.
- (2) Subsection (1) does not apply to a portable container that is filled directly from a container that has applied to it a supplier label or workplace label
    - (a) if the content of the container is clearly identified and the hazardous product
      - (i) is under the control of and is used exclusively by the worker who filled the portable container, and
      - (ii) is used only during the shift in which the portable container was filled, or
    - (b) if all of the hazardous product is required for immediate use.

### **Identification of a Product in Piping Systems and Vessels**

- 2.13.8** If a hazardous product at a mine is contained or transferred in a pipe, a piping system including valves, a process vessel, a reaction vessel, or a tank car, tank truck, ore car, conveyor belt, or similar conveyance, the manager must ensure the safe use, storage, and handling of the hazardous product through worker training and the use of colour coding, labels, placard, or any other mode of identification.

### **Placard Identifiers**

- 2.13.9** If the hazardous product is not in a container, or in a container in a form intended for export, the manager may fulfill the labeling requirements under sections 2.13.5, 2.13.6 and 2.13.7 by posting a placard which:
- (a) discloses the information required for a workplace label, and
  - (b) is of a size and in locations so that the information is conspicuous and clearly legible to workers.

### **Laboratory Label**

- 2.13.10**(1) If a laboratory sample of a hazardous product is the subject of a labelling exemption under the Hazardous Products Regulations (Canada), a label provided by the supplier and affixed to, printed on or attached to the container of the product received at the mine that discloses the following information in place of the information required under the Hazardous Products Regulations (Canada)

complies with the requirements of section 2.13.5 of this code with respect to a supplier label:

- (a) the chemical name or generic chemical name of any material or substance in the hazardous product that, individually, is classified, pursuant to the *Hazardous Products Act* (Canada) and the Hazardous Products Regulations (Canada), in any category or subcategory of a health hazard class and is present above the relevant concentration limit, or is present at a concentration that results in the mixture being classified in a category or subcategory of any health hazard class, if known by the supplier;
  - (b) the statement “Hazardous Laboratory Sample. For hazard information or in an emergency, call” followed by an emergency telephone number for the purpose of obtaining information that must be provided on the SDS of the hazardous product.
- (2) If a hazardous product is in a container other than the container in which it was received from a supplier, or is produced in the workplace, the manager is exempt from the requirement set out in section 2.13.7 if the hazardous product
- (a) is a laboratory sample,
  - (b) is intended by the manager solely for use, analysis, testing or evaluation in a laboratory, and
  - (c) is clearly identified through a combination of
    - (i) a mode of identification visible to workers at the mine, and
    - (ii) worker education and training required by this code.
- (3) The manager must ensure that the mode of identification and worker education and training referred to in subsection (2) (c) enable the worker to readily identify and obtain either the information required on a SDS, if one has been produced, or a label or document disclosing the information referred to in subsections (1) (a) and (b) with respect to the hazardous product or the laboratory sample.

### **Supplier SDS**

- 2.13.11**(1) A manager who acquires a hazardous product for use, handling or storage at a mine must obtain a supplier SDS in respect of that hazardous product that complies with the requirements of the Hazardous Products Regulations (Canada).
- (2) If a supplier SDS obtained under subsection (1) in respect of a hazardous product is 3 years old or older, the manager must obtain from the supplier an up-to-date supplier SDS in respect of any of the hazardous product that remains at the mine.
- (3) Subsection (2) does not apply if
- (a) the manager has obtained written confirmation from the supplier that
    - (i) the SDS has not changed, or
    - (ii) the up-to-date supplier SDS does not apply to the hazardous product, or
  - (b) it is not practical for the manager to obtain the up-to-date SDS or written confirmation under paragraph (a).
- (4) If the manager is unable to obtain a SDS as required by subsection (2), the manager must add any significant new data or new hazard information applicable

to that hazardous product that the manager is aware of, or reasonably ought to be aware of, on the basis of the ingredients disclosed in that document.

- (5) The manager may provide a SDS in a format different from the format provided by the supplier or containing additional hazard information, if
  - (a) the SDS provided by the manager, subject to section 2.13.15, includes no less content than the supplier SDS, and
  - (b) the supplier SDS is available at the mine and the manager-provided SDS indicates that fact.
- (6) If a supplier is exempted by the Hazardous Products Regulations (Canada) from the requirement to provide a SDS for a hazardous product, the manager is exempt from the requirement to obtain and provide a SDS for that hazardous product.

#### **Employer SDS**

- 2.13.12**(1) If a process produces a hazardous product at the mine, the manager must prepare a SDS in respect of the product which discloses, subject to section 2.13.15, the information required under the Hazardous Products Regulations (Canada).
- (2) For the purpose of subsection (1), “produces” does not include the production of a fugitive emission, nor does it include intermediate products undergoing reaction within a reaction or process vessel.
  - (3) The manager must update the SDS referred to in subsection (1) as soon as practical after significant new data or new hazard information becomes available to the manager.

#### **Availability of SDS**

- 2.13.13**(1) The manager must ensure that a copy of a SDS required by section 2.13.11 or 2.13.12 is made readily available
- (a) at the mine to workers who may be exposed to the hazardous product, and
  - (b) to the OHSC, as applicable.
- (2) If the manager is required by subsection (1) to make a SDS readily available, the OHSC, as applicable, must be consulted on the means on how best to achieve SDS accessibility in the workplace.

#### **Availability of Toxicological Data**

- 2.13.13.1** Subject to section 2.13.15 of this code, if a mine manufactures a hazardous product at the mine, the manager must disclose as quickly as practical the source of any toxicological data used in preparing the SDS required by section 2.13.12 (1) at the request of
- (a) any concerned worker at the mine,
  - (b) the occupational health and safety committee, or
  - (c) an inspector.

#### **Deletions from SDS**

- 2.13.14** If a manager claims an exemption under section 2.13.15, the manager may delete the information that is the subject of the claim from the SDS required by

sections 2.13.11 and 2.13.12 for the time period in subsection 2.13.15 (8) but may not delete hazard information.

### **Confidential Business Information**

**2.13.15(1)** A manager who is required, under this code, to disclose any of the following information on a label or SDS may, if the manager considers it to be confidential business information, claim an exemption from the requirement to disclose the information:

- (a) in the case of a material or substance that is a hazardous product,
    - (i) the chemical name of the material or substance,
    - (ii) the CAS registry number, or any other unique identifier, of the material or substance, and
    - (iii) the chemical name of any impurity, stabilizing solvent or stabilizing additive that is present in the material or substance, that is classified in a category or subcategory of a health hazard class under the *Hazardous Products Act* (Canada) and that contributes to the classification of the material or substance in the health hazard class under that Act;
  - (b) in the case of an ingredient that is in a mixture that is a hazardous product,
    - (i) the chemical name of the ingredient,
    - (ii) the CAS registry number, or any other unique identifier, of the ingredient, and
    - (iii) the concentration or concentration range of the ingredient;
  - (c) in the case of a material, substance or mixture that is a hazardous product, the name of any toxicological study that identifies the material or substance or any ingredient in the mixture;
  - (d) the product identifier of a hazardous product, being its chemical name, common name, generic name, trade name or brand name;
  - (e) information about a hazardous product, other than the product identifier, that constitutes a means of identification;
  - (f) information that could be used to identify a supplier of a hazardous product.
- (2) A claim under subsection (1) must be made under the *Hazardous Materials Information Review Act* (Canada) and must be filed in accordance with the procedures established under that Act and the regulations made under it.
- (3) A manager is deemed to comply with this code if the manager produces a hazardous product in the workplace and files a claim for exemption under subsection 11 (2) (a) or (b) (i) or (ii) of the *Hazardous Materials Information Review Act* (Canada), and the manager prepares a SDS in respect of that hazardous product that discloses the following in place of the information elements listed in section 3 (1) (a), (b), (c) and (d) or 3 (2) (a), (b) and (c) of Schedule 1 of the Hazardous Products Regulations (Canada):
- (a) in the case of a hazardous product that is a material or substance, the generic chemical name of the material or substance;
  - (b) in the case of a hazardous product that is a mixture, the generic chemical name of each material or substance in the mixture that, individually, is

classified in any category or subcategory of a health hazard class and is present above the applicable concentration limit or is present at a concentration that results in the mixture being classified in a category or subcategory of a health hazard class.

- (4) A manager is deemed to comply with this code if the manager produces a hazardous product at the mine and files a claim for exemption under subsection 11 (2) (b) (iii) of the *Hazardous Materials Information Review Act* (Canada), and the manager prepares a SDS in respect of that hazardous product that does not disclose the information element listed in section 3 (2) (d) of Schedule 1 of the Hazardous Products Regulations (Canada).
- (5) A manager is deemed to comply with this code if the manager produces a hazardous product at the mine and files a claim for exemption under subsection 11 (2) (d) of the *Hazardous Materials Information Review Act* (Canada), and the manager prepares a SDS in respect of that hazardous product that discloses, in place of the product identifier, a code name or code number for the product.
- (6) A manager who files a claim for exemption from a requirement to disclose information in respect of a hazardous product on a SDS or on a label must disclose on the SDS and, where applicable, on the label of the hazardous product or the container of the hazardous product,
  - (a) the date that the claim for exemption was filed, and
  - (b) the registry number assigned to the claim under the *Hazardous Materials Information Review Act* (Canada).
- (7) The requirements referred to in subsection (6) apply until
  - (a) in the case of an order that was issued by a screening officer under the *Hazardous Materials Information Review Act* (Canada), the end of the period that begins on the final disposition of the proceedings under that Act in relation to the claim for exemption and does not exceed the period specified in the order, or
  - (b) in any other case, the end of the period not exceeding 30 days after the final disposition of the proceedings in relation to the claim for exemption.
- (8) Information that a manager considers to be confidential business information is exempt from disclosure from the time a claim is filed under subsection (2) until the final disposition of the proceedings under the *Hazardous Materials Information Review Act* (Canada) in relation to the claim and for a period of 3 years after that if the claim is found to be valid.
- (9) A manager who receives notice of a decision made under the *Hazardous Materials Information Review Act* (Canada) that the manager's claim or a portion of the manager's claim for exemption from a requirement to provide information in respect of a hazardous product on a SDS or a label is valid must, during the period beginning no later than the end of the applicable period specified in subsection (7) of this section and on compliance with any order issued under subsection 16 (1) or 17 (1) of the *Hazardous Materials Information Review Act* (Canada), if applicable, and ending on the last day of the exemption period, in respect of the sale or importation of the hazardous product, disclose on the SDS and, if applicable, on the label of the hazardous product or container in which the hazardous product is packaged, the following information:

- (a) a statement that an exemption has been granted;
  - (b) the date of the decision granting the exemption;
  - (c) the registry number assigned to the claim under the *Hazardous Materials Information Review Act* (Canada).
- (10) A manager who makes a claim under subsection (1) must abide by the decisions and orders issued under the *Hazardous Materials Information Review Act* (Canada).
- (11) An appeal from a decision or order referred to in subsection (10) may be made under and in accordance with the *Hazardous Materials Information Review Act* (Canada) and any regulations made under that Act.

#### **Confidentiality of Information**

- 2.13.16**(1) Where an inspector enforcing this code obtains information under section 46 (2) (e) of the *Hazardous Materials Information Review Act* (Canada), the person to whom the information is communicated must keep it confidential and must not disclose the information to any person except for the purposes of enforcement of this code.
- (2) A person to whom information is disclosed pursuant to subsection (1) must keep the information confidential.

#### **Disclosure of Information in Medical Emergencies**

- 2.13.17**(1) The manager must, in respect of a hazardous product present or which was present at the mine, provide information respecting the hazardous product, including confidential business information in the possession of the manager to a health professional who requests information on the hazardous product for rendering medical treatment to a person in an emergency.
- (2) Any information that, by virtue of an exemption under the *Hazardous Materials Information Review Act* (Canada) or this code, is not required to be disclosed on the SDS but has nevertheless been provided by a manager to any health professional who requests that information for the purpose of making a medical diagnosis of, or rendering medical treatment to, a person in a medical emergency must be kept confidential, except for the purpose for which it was provided, if the health professional has been informed by the manager that the information is to be kept confidential.

#### **Prohibition Against Disclosure**

- 2.13.18** A person must not use, disclose, or release information protected as confidential business information under this code except as provided by sections 2.13.16 and 2.13.17.

#### **Materials not Classed as Hazardous Products**

- 2.13.19** The manager must ensure that persons who work with, or may be exposed to a hazardous product, comply with the procedures for the safe storage, handling, and use of those products, including the wearing of suitable personal protective equipment, as described in the SDS for those products.

#### **4 Section 3.1.2 is amended**

(a) *by renumbering the section as 3.1.2 (1) and adding “cannabis” after “intoxicating liquor,”, and*

(b) *by adding the following subsection:*

- (2) In subsection (1), “cannabis” means cannabis as defined in the *Cannabis Control and Licensing Act*, but does not include medical cannabis or industrial hemp as defined in that Act.

5 *The following is added after section 3.3.5:*

## **Avalanche Safety**

### **Avalanche Safety Program**

- 3.3.6 (1) The mine manager must ensure that a written avalanche risk assessment is conducted in accordance with the *Technical Aspects of Snow Avalanche Risk Management – Resources and Guidelines for Avalanche Practitioners in Canada (2016)* in areas where a person may be exposed to an avalanche as determined with reference to chapter 3 of the *Land Managers Guide to Snow Avalanche Hazards in Canada (2002)*.
- (2) If avalanche risk is determined under subsection (1), no work may be conducted in the area of avalanche risk until an avalanche safety program is developed by a qualified professional, a professional member of the Canadian Avalanche Association or a person who has qualifications acceptable to the chief inspector.
- (3) If eliminating avalanche risk is not practical, the avalanche safety program must include measures and procedures to minimize those risks to provide
- (a) monitoring of weather, snow and avalanche conditions,
  - (b) implementation of closures, temporary evacuations or other measures, as specified in the avalanche safety program, and
  - (c) safe work procedures to be followed by persons working at the mine.
- (4) The avalanche safety program must be integrated with the Mine Emergency Response Plan (MERP) referred to in section 3.7.1 (1) of this code.

6 *Section 3.5.2 (1) is amended by striking out “except as it exists in a flame safety lamp”.*

7 *Section 3.12.4 is repealed.*

8 *The following is added after section 4.4.17:*

### **Pressure vessels**

- 4.4.17.1 Pressure vessels and associated components as defined in CSA B51-14 must be installed, certified, repaired and maintained in conformance with that standard.

9 *Section 4.9.15 is repealed and the following substituted:*

### **Securing of equipment**

- 4.9.15 No person shall place themselves under the raised box of a dump truck, bulldozer blade, scraper blade, loader bucket or similar equipment unless it is securely

and adequately blocked or otherwise secured independently of normal operating controls with suitable equipment that is designed for that purpose.

**10** *Section 4.11.1 is amended by striking out “section 4.11.2 to section 4.11.7” and substituting “section 4.9.15 and sections 4.11.2 to 4.11.7”.*

**11** *Section 6.7.1 is repealed and the following substituted:*

**Shift Inspections**

**6.7.1** (1) Within three hours before the beginning of each shift in an underground coal mine, a fireboss must

(a) inspect with a suitable direct reading atmospheric testing device that is used, calibrated and maintained in accordance with the manufacturer’s instructions that part of the mine and the roadways leading to it through which persons may be present or pass, and

(b) make a report on the results of his or her inspection.

(2) No person shall enter that part of the mine or the roadways referred to in subsection (1) until they have been inspected and declared safe by the fireboss.

**12** *Section 6.7.3 is amended by striking out “with a locked flame safety lamp or equivalent device approved by a recognized testing agency, and suitable for the work required” and substituting “with a suitable direct reading atmospheric testing device that is used, calibrated and maintained in accordance with the manufacturer’s instructions”.*

**13** *Section 9.11.1 is amended*

*(a) in subsection (3) by striking out “drilling operations” and substituting “exploration drilling operations”, and*

*(b) by adding the following subsection:*

(7) For exploration drilling operations in coal or coal-bearing formations

(a) measures to manage the risk of loss of control of the drill hole due to an uncontrolled release of pressurized fluids must be taken,

(b) the following must be developed by a qualified professional and made available to an inspector upon request:

(i) a safe operating procedure including the following:

(A) gas detection and monitoring, including for flammable and toxic gases;

(B) any preventative equipment to be used to divert gases or prevent the uncontrolled release of pressurized fluids;

(C) training requirements for field and drilling personnel regarding procedures, assignment of responsibilities and operation of monitoring and preventative equipment;

(ii) requirements and procedures for decommissioning, which may include capping or cementing, to ensure that fluids will not leak from the drill hole, and

- (c) if control of a drill hole is lost or compromised, all actions necessary must be taken without delay to safely bring the hole under control.