

# Health, Safety and Reclamation Code for Mines in British Columbia

Ministry of Energy, Mines and Low Carbon Innovation

Victoria, British Columbia

Revised April 2024





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## **Message from the Minister**

April 2024

Our government remains committed to the health and safety of all British Columbians.

Following a recommendation by the Mining Jobs Task Force, the Ministry of Energy, Mines and Low Carbon Innovation established a Standing Code Review Committee (Committee) in 2019, with equal representation from Indigenous communities, labour, and industry. The Committee's primary objective is to review B.C.'s mining regulations in light of evolving trends and to ensure strong protections for worker health, worker safety, and the environment at mine sites.

The Health, Safety and Reclamation Code for Mines in British Columbia (Code) is the primary vehicle for regulating the province's mining industry. The Code includes regulatory standards that address all stages of a mine's life: from exploration through to mine development, operation, closure, and reclamation.

This revised Code provides new and updated requirements related to emerging technologies, tailings storage facilities and dams, and enhanced worker health and safety. This includes updates to threshold limit values for diesel particulate matter, formaldehyde, welding fumes, asbestos, and coal dust; updated provisions to address hazards related to worker safety when working near water; and updated provisions related to safeguarding moving parts of machinery or equipment.

The revisions reflect the Committee's ongoing mandate to continually improve, strengthen and modernize the regulatory framework for mines in British Columbia.

I would like to thank the Code Review Committee, the supporting technical Sub-Committees and Task Groups, and the UN Declaration Sub-Committee members for the work that has been completed on this edition of the Code. The collaborative work of everyone involved helps to improve worker safety and strengthens oversight in support of a responsible and sustainable mining industry in British Columbia.

Honourable Josie Osborne  
Minister of Energy, Mines and Low Carbon Innovation



# HEALTH, SAFETY AND RECLAMATION CODE REVIEW COMMITTEE

## 2024 REVISIONS

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Emerging Technology Sub-Committee

Occupational Health Sub-Committee

Part 10 – TSFs and Dams Sub-Committee

Safeguarding of Machinery and Equipment Task Group

UN Declaration Sub-Committee

Worker Safety When Working Near Water Task Group





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This Act is an unofficial version reproduced for convenience purposes only.

The most current official version of the Mines Act and its associated Regulations can be found on the BC Laws website at:  
<https://www.bclaws.gov.bc.ca/civix/content/complete/statreg/1325524918/96293/?xsl=/templates/browse.xsl>

## MINES ACT

### [RSBC 1996] CHAPTER 293

[Updated to August 14, 2020]

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## Definitions

### 1 In this Act:

**“abandoned mine”** means a mine for which all permit obligations under this Act have been satisfied and in respect of which the mineral claims have reverted to the government;

**“agent”** means a person having control of a mine on behalf of the owner;

**“authorized person”** means a qualified person appointed or designated by the manager to perform specified duties;

**“chief auditor”** means the person designated under section 2.1 as the chief auditor;

**“chief inspector”** means the person designated under section 3 as the Chief Inspector of Mines;

**“chief permitting officer”** means the person designated under section 8.2 as the chief permitting officer;

**“closed mine”** means a mine at which all mining activities have ceased but in respect of which the owner, agent, manager or permittee remains responsible for compliance with this Act, the regulations, the code and that person's obligations under the permit for that mine;

- “**code**” means the health, safety and reclamation code established under this Act;
- “**cultural heritage resource**” means a cultural heritage resource as defined in the *Mineral Tenure Act*;
- “**detrimental environmental impact**” occurs when the quality of air, land or water substantially reduces the usefulness of the environment or its capacity to support life;
- “**inspector**” means a person appointed by the chief inspector as an inspector of mines;
- “**local union**” means a union certified under the *Labour Relations Code* as the bargaining agent for employees or a unit of employees at a mine;
- “**management**” means employees of a mine who act as supervisors;
- “**management co-chair**” means the co-chair chosen for the occupational health and safety committee by the manager;
- “**manager**” means the person appointed under section 21 to be responsible for the management and operation of a mine;
- “**mine**” includes
- (a) a place where mechanical disturbance of the ground or any excavation is made to explore for or to produce coal, mineral bearing substances, placer minerals, rock, limestone, earth, clay, sand or gravel,
  - (b) all cleared areas, machinery and equipment for use in servicing a mine or for use in connection with a mine and buildings other than bunkhouses, cook houses and related residential facilities,
  - (c) all activities including exploratory drilling, excavation, processing, concentrating, waste disposal and site reclamation,
  - (d) closed and abandoned mines, and
  - (e) a place designated by the chief inspector as a mine;
- “**mineral title**” means
- (a) a claim or lease as defined in the *Mineral Tenure Act*, or
  - (b) a lease or licence as defined in the *Coal Act*;
- “**mining activity**” means any activity related to
- (a) the exploration and development of a mineral, a placer mineral, coal, sand, gravel or rock, or
  - (b) the production of a mineral, a placer mineral, coal, sand, gravel or rock, and includes the reclamation of a mine;
- “**occupational health and safety committee**” means the joint worker management committee established for each mine under this Act;
- “**official**” means any of the following persons:
- (a) the chief auditor;
  - (b) the chief inspector;

(c) the chief permitting officer;

(d) an inspector;

“**owner**” includes every person who is the immediate holder, proprietor, lessee, occupier or permittee of a mine or of any part of it, but does not include a person who

(a) receives only a royalty or rent from a mine that is subject to a lease, grant or other authority for its working, or

(b) is the owner of the surface rights of land in, on or under which a mine exists but who is not the immediate holder, proprietor, lessee, occupier or permittee;

“**permit**” means a permit issued under section 10;

“**permittee**” means the holder of a permit issued under section 10;

“**qualified person**” means a person who, in the opinion of the manager, is

(a) qualified because of the person’s knowledge, training and experience to design, organize, supervise and perform the duties for which the person is appointed,

(b) familiar with the provisions of this Act, the code and the regulations that apply to the duties for which the person is appointed, and

(c) capable of identifying any potential or actual danger to health or safety in the workplace;

“**supervisor**” means a person who instructs, directs or controls workers in the performance of their duties and who is authorized by the manager to take or recommend disciplinary action against workers;

“**worker**” means a person who is an employee but does not include a supervisor;

“**worker co-chair**” means the co-chair chosen for the occupational, health and safety committee by the workers;

“**workplace**” means a place where work is carried out in, on or about a mine.

## Application

- 2 This Act applies to all mines during exploration, development, construction, production, closure, reclamation and abandonment.

## Chief auditor

- 2.1 (1) The minister must designate in writing a person appointed under the *Public Service Act*, as the chief auditor.
- (2) The minister may not designate any of the following persons as the chief auditor:
- (a) the chief inspector;
  - (b) the chief permitting officer;
  - (c) an inspector.

### Authority of chief auditor

- 2.2 The chief auditor may conduct audits for the purpose of evaluating the effectiveness of any of the following:
- (a) the regulatory framework for mining in British Columbia;
  - (b) policies, programs, practices and actions to fulfill the objectives of that framework.

### Audit plan

- 2.3 Each year, the chief auditor must
- (a) develop an audit plan identifying the subject matter of the audits to be given priority in that year, and
  - (b) publish the audit plan on a publicly accessible website maintained by or on behalf of the chief auditor.

### Chief auditor's authority to delegate

- 2.4 (1) Subject to subsection (2), the chief auditor may delegate in writing to any person a power or duty of the chief auditor under this Act.
- (2) The chief auditor may not delegate a power or duty to any of the following persons:
- (a) the chief inspector;
  - (b) the chief permitting officer;
  - (c) an inspector.

### Audits

- 2.5 (1) For the purpose of conducting an audit, the chief auditor may do any of the following:
- (a) at any reasonable time, enter and inspect the following places:
    - (i) land covered by a mineral title;
    - (ii) a mine;
  - (b) inspect records or things;
  - (c) require a person to produce a record or thing in the person's possession or control.
- (2) The chief auditor, on entering a place under subsection (1), may bring any persons and equipment that the chief auditor considers necessary for the purpose of the audit.
- (3) If, in inspecting a place under subsection (1), the chief auditor identifies a hazard and is of the opinion that a delay in remedying the hazard would be dangerous to persons, property or the environment, the chief auditor may issue an order
- (a) for immediate remedial action,
  - (b) to suspend the regular work until remedial action is taken, or
  - (c) to close the mine or part of it until remedial action is taken.

- (4) As soon as practicable after issuing an order under subsection (3), the chief auditor must
  - (a) notify the chief inspector that the order was issued, and
  - (b) provide to the chief inspector any information requested by the chief inspector respecting the hazard or the order.

### **Audit reports**

- 2.6** (1) After completing an audit, the chief auditor must provide a report to the minister respecting the following:
- (a) the conclusions reached by the chief auditor;
  - (b) the chief auditor's reasons for those conclusions;
  - (c) the chief auditor's recommendations, if any, arising from the audit.
- (2) The chief auditor must publish, on a publicly accessible website maintained by or on behalf of the chief auditor, the reports provided to the minister under subsection (1).

### **Chief inspector**

- 3** The minister must designate in writing a person appointed under the *Public Service Act*, as the Chief Inspector of Mines.

### **Authority of chief inspector**

- 4** The chief inspector has the rights and powers conferred on an inspector under this Act.

### **Power to appoint inspectors**

- 5** The chief inspector may appoint persons as inspectors for the purposes of this Act.

### **Chief inspector's authority to delegate**

- 6** The chief inspector may delegate in writing to an inspector any of the powers conferred on the chief inspector under this Act.

### **Investigations**

- 7** On the direction of the chief inspector, an inspector must investigate and report on an incident that has caused, or has or had the potential to cause, serious personal injury, loss of life or property or environmental damage.

### **Power to compel persons to answer questions and order disclosure**

- 8** (1) For the purposes of conducting an investigation under section 7, an inspector may make an order requiring a person to do either or both of the following:
- (a) attend, in person or by electronic means, before the inspector to answer questions on oath or affirmation, or in any other manner;
  - (b) produce for the inspector a record or thing in the person's possession or control.



- (2) An inspector may apply to the Supreme Court for an order
  - (a) directing a person to comply with an order made under subsection (1), or
  - (b) directing any directors and officers of a person to cause the person to comply with an order made under subsection (1).

### **Contempt proceeding for uncooperative person**

- 8.1** The failure or refusal of a person subject to an order under section 8 to do any of the following makes the person, on application to the Supreme Court by an inspector, liable to be committed for contempt as if in breach of an order or judgment of the Supreme Court:
- (a) attend before the inspector;
  - (b) take an oath or make an affirmation;
  - (c) answer questions;
  - (d) produce records or things in the person's possession or control.

### **Chief permitting officer**

- 8.2** The minister must designate in writing a person appointed under the *Public Service Act*, as the chief permitting officer.

### **Chief permitting officer's authority to delegate**

- 8.3** The chief permitting officer may delegate in writing to an inspector any of the powers conferred on the chief permitting officer under this Act.

### **Advisory committee**

- 9** The chief permitting officer must establish and chair an advisory committee and must establish regional advisory committees to review applications for mine approvals and reclamation permits, referred to them by the chief permitting officer, to assist the chief permitting officer in carrying out the duties of the chief permitting officer under this Act.

### **Permits**

- 10** (0.1) In this section, "**exempt person**" means a person in a class of persons exempt under subsection (1.1) (a) from the requirement under subsection (1) to hold a permit.
- (1) Before starting any work in, on or about a mine, the owner, agent, manager or any other person must hold a permit issued by the chief permitting officer and, as part of the application for the permit, there must be filed with an inspector a plan outlining the details of the proposed work and a program for the conservation of cultural heritage resources and for the protection and reclamation of the land, watercourses and cultural heritage resources affected by the mine, including the information, particulars and maps established by the regulations or the code.

- (1.1) The Lieutenant Governor in Council, by regulation and on any terms and conditions considered necessary or advisable, may exempt
  - (a) one or more classes of persons, or
  - (b) a person or a ministry of the government respecting one or more classes of work in, on or about a mine  
from the requirement under subsection (1) to hold a permit.
- (1.2) Despite subsection (1.1) (a), the chief permitting officer may require an exempt person to comply with the requirement under subsection (1) to hold a permit if the chief permitting officer is satisfied that, because of the nature of the proposed work, it is necessary for the exempt person to hold a permit.
- (2) The chief permitting officer, in writing and on any terms and conditions considered necessary or advisable, may exempt a person from the requirement under subsection (1) to hold a permit if
  - (a) the chief permitting officer is satisfied that, because of the nature of the proposed work, it is not necessary for the person to hold a permit, and
  - (b) the person is not an exempt person.
- (2.01) Without limiting subsection (1.1) or (2), terms and conditions imposed under those subsections may include terms and conditions respecting any or all of the following:
  - (a) the provision of security in the manner and for purposes similar to those described in subsections (4) and (5);
  - (b) notification and reporting requirements;
  - (c) the use of qualified professionals;
  - (d) environmental protection and reclamation;
  - (e) public health and safety.
- (2.02) A person exempt from the requirement under subsection (1) to hold a permit must comply with the terms and conditions, if any, imposed under subsections (1.1), (2) and (2.01), as applicable.
- (3) If the chief permitting officer considers the application for a permit is satisfactory and if the applicant has complied with the regulations, if any, made under section 38 (2) (l) respecting applications for permits, the chief permitting officer may issue the permit, and the permit may contain conditions that the chief permitting officer considers necessary.
- (4) The chief permitting officer may, as a condition of issuing a permit under subsection (3), require that the owner, agent, manager or permittee give security in the amount and form, and subject to conditions, specified by the chief permitting officer
  - (a) for mine reclamation, and
  - (b) to provide for protection of, and mitigation of damage to, watercourses and cultural heritage resources affected by the mine.

- (5) If required by the chief permitting officer, the owner, agent, manager or permittee, in each year, must deposit security in an amount and form satisfactory to the chief permitting officer so that, together with the deposit under subsection (4) and calculated over the estimated life of the mine, there will be money necessary to perform and carry out properly
  - (a) all the conditions of the permit relating to the matters referred to in subsection (4) at the proper time, and
  - (b) all the orders and directions of the chief permitting officer or an inspector respecting the fulfillment of the conditions relating to the matters referred to in subsection (4).
- (6) The owner, agent, manager or permittee, or an inspector, may apply to the chief permitting officer for a revision of the conditions or an extension of the term of a permit issued under this section, and the chief permitting officer, if the applicant has complied with the regulations, if any, made under section 38 (2) (1) respecting revisions or extensions under this subsection, may revise the conditions or extend the term, as the case may be.
- (7) For the purposes of subsection (6), if the chief permitting officer considers it necessary, the chief permitting officer may impose additional conditions or changes in the existing conditions, including changes to the security required or the term of the permit, with or without an application under this section.
- (8) [Repealed 2020-15-6.]
- (9) [Repealed 2014-14-52.]
- (10) [Repealed 2002-25-46.]

#### **Chief inspector's authority on failure to comply with code, regulations or permit**

- 10.1** (1) If the owner, agent, manager or permittee fails to comply with any of the following to the satisfaction of the chief inspector, the chief inspector may issue an order to remedy the failure by the date specified in the order:
- (a) the requirements respecting reclamation in the code or regulations;
  - (b) the conditions of the permit, including the conditions respecting reclamation.
- (2) If the chief inspector issues an order under subsection (1) and the person to whom the order was issued has not complied with the order by the date specified in the order, the chief inspector may do one or more of the following:
- (a) order the owner, agent, manager or permittee to stop the mining operation;
  - (b) enter on or below the surface of the mine and cause the required work to be performed or completed;
  - (c) apply all or part of the security toward payment of the cost of the work required to be performed or completed;
  - (d) close the mine;
  - (e) cancel the permit.

- (3) Nothing in this section affects the powers or duties of an inspector under this Act.

### **Permits – powers of minister**

- 11 If the minister considers it to be necessary in the public interest, the minister, in respect of the issuing of permits, has and may exercise all the powers that the chief permitting officer may exercise under this Act.

### **Acquisition of a mine**

- 11.1 If a person acquires a mine, before the person engages in mining activity the person must apply to the chief permitting officer to
- (a) obtain a permit, or
  - (b) amend an existing permit for the mine to identify the applicant as the holder of the permit.

### **Mine reclamation fund**

- 12
- (1) In this section, “**fund**” means the mine reclamation fund.
  - (2) The Lieutenant Governor in Council may, by regulation, establish a fund to be known as the mine reclamation fund into which must be paid security, that is in the form of money, given by the owner, agent or manager of a mine under section 10.
  - (3) Money received from an owner, agent or a manager must be credited to a separate account in the fund in the name of the mine.
  - (4) The minister may requisition payments from an account in the fund
    - (a) to refund money and interest earned on it to the owner, agent or manager of a mine from time to time if in the opinion of the chief inspector it is no longer required for mine reclamation and protection of, and mitigation of damage to, land and watercourses affected by the mine, or
    - (b) to pay for the cost of work required under section 10.1 (2) (b).

### **Variance of regulations or code for individual mine**

- 13
- (1) On receiving a written application from the manager, the occupational health and safety committee or the local union requesting the suspension or variance of a provision of the regulations or of the code, the chief inspector may suspend or vary the provision if the chief inspector is of the opinion that the provision does not operate in the best interest of, or is not necessary to, health and safety in an individual mine.
  - (2) The chief inspector must ensure that the parties affected by the application are advised of the application for, and the subsequent decision respecting, a variance.
  - (3) The chief inspector must maintain a register of all variances.
  - (4) At least once every 5 years, the chief inspector
    - (a) must review each variance and advise the manager, occupational health and safety committee and local union that the chief inspector intends to review the variance, and

- (b) after reviewing any submissions, must advise them whether or not the variance is to continue.

### **Discrimination**

- 14** (1) Each manager must ensure that no employee is discriminated against in any manner, including adversely affecting any term or condition of employment, for complying with this Act, the regulations or the code.
- (2) If advised in writing of an alleged case of discrimination against an employee for complying with this Act, the regulations or the code or refusing to work because it would result in a contravention of this Act, the regulations or the code, the chief inspector must investigate and report the findings to the manager and occupational health and safety committee, and the local union, if any.
- (3) If the chief inspector is satisfied that the allegation is true, the chief inspector may make one or more orders requiring the employer to do one or more of the following:
- (a) cease the discrimination;
  - (b) hire or reinstate the employee;
  - (c) pay the employee any wages lost by reason of the discrimination;
  - (d) pay the employee reasonable and actual out of pocket expenses incurred by the employee by reason of the discrimination.

### **Inspections**

- 15** (1) For the purposes of administering or enforcing this Act, the regulations, the code, a permit or an order issued under this Act, an inspector may do any of the following:
- (a) at any reasonable time, enter and inspect the following places:
    - (i) a mine;
    - (ii) a site at which the inspector considers mining activity to be taking place, including mining activity not authorized by a permit;
  - (b) inspect records or things at a place referred to in paragraph (a);
  - (c) require a person at a place referred to in paragraph (a) to produce a record or thing in the person's possession or control.
- (1.1) An inspector who enters a place under subsection (1) may bring any persons and equipment that the inspector considers necessary for the purpose of the inspection.
- (2) If an inspector is making a health and safety inspection, on arrival at the mine the inspector must request the manager to arrange for the worker co-chair or designate and the management co-chair or designate each to appoint a representative to accompany the inspector on the inspection.

- (3) Despite subsection (2), an inspector may perform the inspection without either or both management and worker representatives, if on completion of the inspection the inspector meets with or otherwise communicates with each co-chair or each designate of a co-chair to discuss the inspector's findings and their occupational, health and safety concerns, if any.
- (4) An inspector must complete an inspection report within 7 business days of completing the inspection and promptly provide the manager, and, in the case of a health and safety inspection, the occupational health and safety committee and local union with a copy of the inspection report on its completion, and the report must
  - (a) list the workplaces inspected,
  - (b) note any contraventions of an order under this section,
  - (c) note any contraventions of the Act, the regulations, the code or a permit, and
  - (d) order remedial action, specify the results to be obtained by the remedial action and specify time limits for compliance with the order or any provision of the Act, the regulations, the code or a permit.
- (4.1) If an inspector believes on reasonable grounds that a person has contravened or is contravening an order under this section or a provision of the Act, the code, the regulations or a permit and that the contravention has a detrimental environmental impact, the inspector may order the owner, agent, manager, permittee or any other person apparently in charge in, on or about a mine to do any of the following:
  - (a) take immediate remedial action;
  - (b) suspend regular work until remedial action is taken;
  - (c) close the mine or part of it until remedial action is taken.
- (4.2) An order under this section may be made against an owner, agent, manager, permittee, contractor or other person who carries out mining activity without a permit.
- (5) If an inspector is of the opinion that a delay in remedying a hazard would be dangerous to persons, property or the environment, the inspector must issue an order
  - (a) for immediate remedial action,
  - (b) to suspend regular work until remedial action is taken, or
  - (c) to close the mine or part of it until remedial action is taken.
- (6) Within 15 business days after receiving the inspection report, the manager must
  - (a) submit a written report outlining the remedial steps taken and the work still outstanding, and
  - (b) promptly provide a copy to the inspector, and, in the case of health and safety matters, the occupational health and safety committee and the local union.

- (7) The owner, agent, manager, permittee, and all persons in, on or about a mine must provide an inspector with all assistance necessary for the completion of an inspection or investigation.
- (8) For the purposes of subsections (4) and (6), a business day is a day other than Saturday or a holiday.

**Order not to interfere with public works, etc.**

- 16 An inspector may order the operation of a mine to be conducted in a manner that will not interfere with a public work, public service, public utility, highway or railway, or with a pipeline as defined in section 1 (2) of the *Energy Resource Activities Act* or an adjacent mine property.

**Chief inspector's authority to cause work to be done**

- 17 (1) The chief inspector may take an action described in subsection (1.1) if the chief inspector considers that any of the following applies:
- (a) there is an emergency at a mine;
  - (b) work may be necessary in, on or about a closed or abandoned mine in order to prevent danger to persons or property or to abate pollution of the land and watercourses affected by the mine.
- (1.1) For the purpose of subsection (1), the chief inspector may do either or both of the following:
- (a) issue an order restricting or prohibiting a person from carrying out an action referred to in the order;
  - (b) enter on or below the surface of the mine and cause work to be done to remove or alleviate the danger or remedy the pollution.
- (2) The costs incurred for work done under this section must be paid from the consolidated revenue fund without an appropriation other than this subsection.
- (3) The amount expended plus interest at a prescribed rate is a debt due to the government and forms a lien and charge on the mine or mineral title in favour of the government.
- (4) Notice of the debt in the prescribed form may be registered as a charge in the land title office or in the office of the chief gold commissioner, and no transfer of title or other dealing with the mine may take place until the debt is paid and the notice cancelled.
- (5) With or without payment and on conditions the minister may impose, the minister may cancel the notice registered under subsection (4) and, on that happening, the mine may be transferred or otherwise dealt with.
- (6) For the purpose of recovering the costs referred to in subsection (2), the chief inspector may do one or more of the following:
- (a) order the owner, agent, manager or permittee to pay the costs;

- (b) realize all or part of the security provided under section 10 and order the owner, agent, manager or permittee to replace, by the time specified in the order, the security realized under this paragraph.

### **Engineering report**

- 18** An inspector may order the owner, agent or manager to provide at the owner's expense an independent study prepared by an engineer or other licensed professional acceptable to the inspector
- (a) respecting health and safety at the mine or safety of its equipment, buildings, workings or structures,
  - (a.1) respecting actual or potential environmental damage resulting from mining activity at the mine, or
  - (b) in connection with an incident that the inspector is investigating.

### **Repealed**

- 19** [Repealed 2020-15-13.]

### **Repealed**

- 20** [Repealed 2007-15-80.]

### **Appointment of manager**

- 21** An owner or agent must,
- (a) before work begins, appoint a manager and ensure that there is a person acting in that capacity at all times,
  - (b) immediately after each appointment, notify the inspector in writing, of the name of the manager, and
  - (c) provide the manager or the manager's designate with every facility for conducting the operation of the mine in accordance with the requirements of this Act, the regulations and the code.

### **Manager's qualifications and responsibility**

- 22** (1) Each manager and designate must possess qualifications established by the regulations or the code.
- (2) The manager or designate must attend daily at an operating mine.

### **Manager's absence**

- 23** Each manager must designate in writing a qualified person to be responsible during the manager's absence to ensure compliance with this Act, the regulations, the code and the permit.

### **Compliance**

- 24** (1) An owner, agent, manager or permittee must take all reasonable measures to ensure compliance with the following:



- (a) this Act, the regulations and the code;
  - (b) the permit issued for the mine;
  - (c) an order issued under this Act in relation to the mine.
- (2) A person who performs or supervises work in, on or about a mine must take all reasonable measures to ensure compliance with the requirements applicable to the person's work or supervision under the following:
- (a) this Act, the regulations and the code;
  - (b) the permit issued for the mine;
  - (c) an order issued under this Act in relation to the mine.
- (3) Without limiting subsection (1), the owner, agent, manager or permittee must carry out reclamation in accordance with the regulations, the code, the permit for the mine, and the orders issued under this Act in relation to the mine.
- (4) This section applies whether or not any of the following applies in relation to the mine:
- (a) security has been provided under section 10 (5);
  - (b) the chief inspector has exercised a power under section 10.1;
  - (c) the chief inspector has caused work to be done under section 17.

### **Contractors**

- 25 (1) If work in or about a mine is let to a contractor, the contractor and the contractor's manager, as well as the owner, agent and manager of the mine, must take all reasonable measures to ensure compliance with the provisions of this Act, the regulations, the code, the permit and orders under this Act pertaining to the work over which they have control.
- (2) In a case of noncompliance with subsection (1), the contractor and the contractor's manager commit an offence that is punishable in the same manner as if the contractor and contractor's manager were the owner, agent or manager of the mine.

### **Supervision required**

- 26 Each manager must ensure that every person employed at a mine, if required by the regulations or the code, is under the daily supervision of a person who holds a valid and appropriate certificate as required by the regulations or the code.

### **Mine plans**

- 27 Each manager must keep in the office at the mine site accurate plans that
- (a) are updated every 3 months,
  - (b) are prepared on a scale that accords with good engineering practice, and
  - (c) contain particulars established by the regulations or the code.

**Repealed**

28 [Repealed 2003-1-14.]

**Alternative employment**

29 If an inspector makes an order under section 15 (5) (b) or (c), and the manager is unable to provide alternate employment, the manager must pay or cause to be paid to each worker the amount that the worker would have earned or been likely to earn for each day the closure continues, up to a maximum of 3 working days.

**Posting of reports and orders**

- 30 (1) Each manager must post in a conspicuous place at the mine all inspection reports and orders issued by an inspector and must maintain them there for 30 days.
- (2) Each manager must ensure that all documents required to be posted are maintained in a legible condition.

**Repealed**

31 [Repealed 2003-1-15.]

**Occupational health and safety committee**

- 32 (1) Each manager must ensure that an occupational health and safety committee is established in accordance with the regulations or the code.
- (2) A manager must allow committee members to participate in inspections, investigations and meetings of the committee under this Act, and that participation must be considered as time worked.

**Appeal to chief inspector**

- 33 (1) A person who is adversely affected by a decision or order of an inspector or an order of the chief auditor may, within 30 days of its issue, appeal the decision or order to the chief inspector.
- (2) The manager, occupational health and safety committee and local union must be given an opportunity to make a submission on the matter of the appeal, receive copies of all submissions and be notified of the chief inspector's decision on the appeal.
- (3) An appeal taken under this section does not operate as a stay or suspend the operation of the decision being appealed unless the chief inspector orders otherwise.

**Health, safety and reclamation code committee**

- 34 (1) The minister must establish a health, safety and reclamation code committee consisting of the members the minister appoints.
- (2) The chief inspector is a member and the chair.

- (3) The committee must prepare a code dealing with all aspects of health, safety and reclamation in the operation of a mine and may amend the code from time to time as required.
- (4) A provision of the code may specify that the approval or consent of an inspector or some other person is required before a specified action may be taken.
- (5) Without limiting subsection (4), the code may require approval or consent before a specified type of equipment is used at a mine or continues to be used in specified circumstances.
- (6) The code and any amendments to it come into force on approval of the Lieutenant Governor in Council.
- (7) If there is a conflict between a provision of the code and a provision of the regulations, the regulations apply.
- (8) Where there is a conflict between a provision of the code and a provision of the *Freedom of Information and Protection of Privacy Act*, the code applies.
- (9) Subsection (8) does not apply to personal information, as defined in the *Freedom of Information and Protection of Privacy Act*, that has been in existence for 100 or more years or to other information that has been in existence for 50 or more years.

#### **Enforcement of Act, regulations, code, permit or order**

- 35** (1) If an inspector finds that a mine is not being operated in accordance with an order under section 15 or a provision of the Act, the regulations, the code or a permit, the inspector may order the owner, agent, manager, permittee or person apparently in charge in, on or about a mine to comply with the order or provision.
- (2) If a person fails or refuses to comply with an order of an inspector under subsection (1) of this section or under section 15, the inspector may apply to the Supreme Court for an order directing the person to comply.

#### **Annual report**

- 36** The chief inspector must publish an annual report showing results during the previous year in achieving the purposes of this Act.

#### **Contraventions**

- 36.1** (1) After giving a person an opportunity to be heard, the chief inspector may find on a balance of probabilities that the person has contravened or failed to comply with any of the following provisions:
- (a) a prescribed provision of this Act, the regulations or the code;
  - (b) a provision of an order made under this Act;
  - (c) a term or condition imposed under section 10 (1.1), (2), (2.01), (3), (4) or (7), 17 (5) or 38 (4) of this Act.

- (2) If a corporation contravenes or fails to comply with a provision referred to in subsection (1), a director, officer or agent of the corporation who authorized, permitted or acquiesced in the contravention or failure also contravenes or fails to comply with the provision and is also liable to an administrative penalty under section 36.2.
- (3) If an employee, contractor or agent of a corporation contravenes or fails to comply with a provision referred to in subsection (1) in the course of carrying out the employment, contract or agency, the corporation also contravenes or fails to comply with the provision and is also liable to an administrative penalty under section 36.2.

### **Administrative penalties**

- 36.2** (1) If the chief inspector finds that a person has contravened or failed to comply with a provision referred to in section 36.1 (1), the chief inspector may, after considering the prescribed matters, impose an administrative penalty on the person in an amount that does not exceed the prescribed limit.
- (2) A person may be prosecuted under this Act for a contravention or failure in relation to which an administrative penalty has been imposed.
  - (3) In imposing a sentence for an offence under this Act, the court may consider an administrative penalty imposed in relation to the same matter.
  - (4) If a person is convicted of an offence under this Act, an administrative penalty may not be imposed on the person in respect of the same circumstances that gave rise to the conviction.

### **Notice of contravention or penalty**

- 36.3** If the chief inspector finds that a person has contravened or failed to comply with a provision referred to in section 36.1 (1) or if the chief inspector imposes an administrative penalty on the person under section 36.2 (1), the chief inspector
- (a) must give to the person a notice of the decision, and the notice must
    - (i) identify the contravention,
    - (ii) advise the person of the person's right to appeal the decision under section 36.7, and
    - (iii) if an administrative penalty is being imposed, specify the amount of the penalty and the date by which the penalty must be paid, and
  - (b) may make public the reasons for the decision and the amount of the penalty, if any.

### **Due date of penalty**

- 36.4** A person on whom an administrative penalty is imposed under section 36.2 must pay the penalty within 40 days after the later of the following dates, as applicable:
- (a) the date on which the notice referred to in section 36.3 is given to the person;

- (b) if the person commences an appeal under section 36.7, the date on which the notice referred to in section 36.7 (4) (b) is given to the person.

### **Enforcement of administrative penalty**

- 36.5** (1) An administrative penalty constitutes a debt payable to the government by the person on whom the penalty is imposed.
- (2) If a person fails to pay an administrative penalty as required under section 36.4, the government may file with the Supreme Court or Provincial Court a certified copy of the notice imposing the penalty and, on being filed, the notice has the same force and effect, and all proceedings may be taken on the notice, as if the notice were a judgment of that court.

### **Limitation period**

- 36.6** (1) The time limit for giving a notice under section 36.3 is 3 years after the date on which the act or omission alleged to constitute the contravention or failure to comply first came to the attention of the chief inspector.
- (2) A certificate purporting to have been issued by the chief inspector and certifying the date referred to in subsection (1) is proof of that date.

### **Appeal**

- 36.7** (1) In this section, “**appeal tribunal**” means a tribunal identified by regulation for the purposes of this section.
- (2) A person to whom a notice has been given under section 36.3 may appeal to the appeal tribunal a decision that is the subject of the notice.
- (3) The time limit for a person to commence an appeal is 30 days after the date on which the notice under section 36.3 is given to the person.
- (4) On an appeal under subsection (2), the appeal tribunal
- (a) may confirm, vary or rescind the decision that is the subject of the notice, and
  - (b) must notify the person of the decision made under paragraph (a) of this subsection.

### **Offence and penalty**

- 37** (1) A person commits an offence if the person obstructs, impedes or otherwise interferes with, or knowingly provides false or misleading information or records to, an official while the official is exercising a power or performing a duty under this Act.
- (2) A person who contravenes any of the following commits an offence:
- (a) a provision of this Act, the regulations or the code;
  - (b) a condition of a permit;
  - (c) an order made under this Act.

- (3) A person who commits an offence is liable to a fine of not more than \$1 000 000 or to imprisonment for not more than 3 years or both.
- (3.1) The time limit for laying an information to commence a prosecution for an offence under this Act is 5 years after the date on which the chief inspector learned of the facts on which the information is based.
- (3.2) A certificate purporting to have been issued by the chief inspector certifying the date referred to in subsection (3.1) is proof of that date.
- (4) If an inspector serves a written notice on a person alleging a contravention of this Act, the regulations or the code, or an order under any of them, that person, on conviction, is liable to a penalty, in addition to the penalties provided under subsection (3), of not more than \$5 000 and not less than \$500 for every day during which the offence continues to be committed after receipt of the notice.
- (5) If a corporation commits an offence, a director or officer of the corporation who authorized, permitted or acquiesced in the offence is, even if the corporation is convicted, liable to the penalty set out in subsection (3).

### **Section 5 of *Offence Act* does not apply**

**37.1** Section 5 of the *Offence Act* does not apply to this Act or the regulations.

### **Power to make regulations**

- 38** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) governing exploration, development, operation, closure and abandonment of mines and mining property;
  - (a.1) respecting applications for, and the issuance of, permits and approvals, including but not limited to prescribing time limits within which specified steps in the application process must be taken;
  - (a.2) for the purposes of section 10 (1.1) and (2.01);
  - (b) respecting the type, application, use and operation of equipment, machinery and other property in, on or about mines, whether moveable or immovable or whether used in mining operations or not;
  - (c) relating directly or indirectly to the health and safety of all persons, including the public, in, on or about mines, either underground or on the surface;
  - (d) respecting standards for environmental protection and reclamation;
  - (e) respecting the conservation of cultural heritage resources;

- (f) requiring management to give members of the occupational health and safety committee access to relevant records;
  - (g) requiring management to give access to the mine and to its records for the purposes of investigation of death or injury, accidents or dangerous or unusual occurrences;
  - (h) requiring management to forbid a person to enter or engage in work if the person is impaired or has drugs or liquor in the person's possession;
  - (i) requiring management to forbid persons to engage in horseplay;
  - (j) and (k) [Not in force.]
  - (l) prescribing fees and charges that must be paid in respect of any matter for which a service is provided or a duty performed under this Act and prescribing the time and manner of payment of the fees and charges;
  - (m) prescribing provisions for the purposes of section 36.1 (1) (a);
  - (n) prescribing matters and limits for the purposes of section 36.2 (1);
  - (o) authorizing administrative penalties to be imposed on a daily basis for continuing contraventions or failures;
  - (p) prescribing the consequences of failing to pay an administrative penalty, which consequences may include, but are not limited to, imposing additional penalties;
  - (q) for the purposes of section 36.7, identifying a tribunal and specifying the provisions of the *Administrative Tribunals Act* that apply to the tribunal for the purposes of hearing appeals under this Act.
- (3) A regulation under subsections (1) or (2) may
- (a) make different provisions for different mines or for different classes or types of mines,
  - (b) adopt all or part of a code or standard published by a national or international standards association, as amended from time to time,
  - (c) specify that the approval or consent of an inspector or some other person is required before a specified action may be taken, and, without limiting this section, may require approval or consent before a specified type of equipment is used at a mine or continues to be used in specified circumstances,
  - (d) delegate to inspectors the power, by order, to vary codes, standards and other prescribed matters in the interests of health and safety in individual mines, and
  - (e) limit, restrict or prohibit, for a prescribed period of time, exploration or mining of uranium, if the uranium is more than a prescribed amount or proportion, within any or all mines, and to close, in the interest of health or safety, any mining operation in which more uranium than the prescribed amount or proportion is found.

- (4) If a regulation is made that results in a limitation, restriction or prohibition on exploration or development or results in the closure of a mining operation, the chief inspector may, on conditions ordered by the chief inspector, consent to
- (a) the recommencement of exploration or development, or
  - (b) the opening of a mining operation that has been closed under that regulation.

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## *Mines Act*

# ADMINISTRATIVE PENALTIES (MINES) REGULATION

B.C. Reg. 47/2017

Last amended May 8, 2023 by B.C. Reg. 118/2023

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## **PART 1 – PROCEDURES FOR MAKING DETERMINATIONS**

### **Definition**

- 1 In this regulation, “**Act**” means the *Mines Act*.

### **Assessment of administrative penalty**

- 2 Before the chief inspector imposes an administrative penalty on a person, the chief inspector must consider the following matters, if applicable:
  - (a) the gravity and magnitude of the contravention or failure;
  - (b) the real or potential adverse effect of the contravention or failure;
  - (c) previous contraventions or failures by, administrative penalties imposed on, or orders issued to the following:
    - (i) the person who is the subject of the determination;
    - (ii) if the person is an individual, a corporation for which the individual is or was a director, officer or agent;

- (iii) if the person is a corporation, an individual who is or was a director, officer or agent of the corporation;
- (d) whether the contravention or failure was repeated or continuous;
- (e) whether the contravention or failure was deliberate;
- (f) any economic benefit derived by the person from the contravention or failure;
- (g) the person's efforts to prevent the contravention or failure;
- (h) the person's efforts to correct the contravention or failure;
- (i) the person's efforts to prevent reoccurrence of the contravention or failure;
- (j) any other factors that, in the opinion of the chief inspector, are relevant.

### **Enforcement of administrative penalty – permits**

- 3 If a person fails to pay an administrative penalty as required under section 36.4 [*due date of penalty*] of the Act, the chief permitting officer may refuse to consider applications made by the person for a permit, or for the amendment of a permit, until the penalty is paid in full.

[am. B.C. Reg. 6/2021, App. 1, s. 1.]

## **PART 2 – ADMINISTRATIVE PENALTIES**

### **Prescribed provisions of Act**

- 4 (1) A person who contravenes section 10 (1) [*permits*], 11.1 [*acquisition of a mine*], 14 (1) [*discrimination*], 15 (7) [*inspections*] or 21 [*appointment of manager*] of the Act or an order issued under section 10.1 (2) (a), 14 (3), 15 (4.1) or (5) or 35 (1) [*enforcement of Act, regulations code, permit or order*] of the Act is liable to an administrative penalty not exceeding \$500 000.
- (2) A person who contravenes section 26 [*supervision required*], 27 [*mine plans*] or 32 (1) or (2) [*occupational health and safety committee*] of the Act or an order issued under section 15 (4) (d) of the Act is liable to an administrative penalty not exceeding \$100 000.
- (3) A person who contravenes section 30 (1) or (2) [*posting of reports and orders*] of the Act is liable to an administrative penalty not exceeding \$40 000.

[am. B.C. Reg. 6/2021, App. 1, s. 2.]

### **Prescribed provisions of Mines Regulation**

- 5 A person who contravenes section 1 [*investigation by inspector*] of the Mines Regulation, respecting the obligations of management, is liable to an administrative penalty not exceeding \$500 000.

## Repealed

- 6 Repealed. [B.C. Reg. 7/2021, Sch. s. 1.]

## Prescribed provisions of Health, Safety and Reclamation Code for Mines in British Columbia

- 7 (1) A person who contravenes section 1.7.2 (1) (a) or (b) [*notification of a reportable incident*], 1.11.1 [*training*], 2.13.2 (1) [*Use, Storage, Handling*], 3.4.1 [*work in confined spaces*], 3.7.1 (1) [*Mine Emergency Response Plan*], 10.5.1 [*construction of tailings and water management facilities*], 10.5.2 [*Operations, Maintenance and Surveillance (OMS) Manual*], 10.5.3 [*annual dam safety inspection*] or 10.5.4 [*dam safety reviews*] of the code is liable to an administrative penalty not exceeding \$500 000.
- (2) A person who contravenes section 1.12.1 [*open pit*], 1.12.2 [*underground non coal*], 1.12.3 [*underground coal mine*] or 1.12.5 [*manager*] of the code is liable to an administrative penalty not exceeding \$100 000.
- (3) A person who contravenes section 1.11.2 [*record of training*] of the code is liable to an administrative penalty not exceeding \$40 000.
- [am. B.C. Regs. 7/2021, Sch. s. 2; 118/2023.]

## PART 3 – APPEALS

### Definition

- 8 In this Part, “**appeal**” means an appeal under section 36.7 [*appeal*] of the Act.

### Appeal tribunal

- 9 For the purposes of section 36.7 of the Act and this Part, the appeal tribunal is the Environmental Appeal Board continued under the *Environmental Management Act*.

### Application of *Administrative Tribunals Act* to appeal tribunal

- 10 The following provisions of the *Administrative Tribunals Act* apply to the appeal tribunal:
- (a) Part 1 [*Interpretation and Application*];
  - (b) Part 2 [*Appointments*];
  - (c) Part 3 [*Clustering*];
  - (d) Part 4 [*Practice and Procedure*], except the following:
    - (i) section 23 [*notice of appeal (exclusive of prescribed fee)*];
    - (ii) section 24 [*time limit for appeals*];
    - (iii) section 25 [*appeal does not operate as stay*];
    - (iv) section 34 (1) and (2) [*power to compel witnesses and order disclosure*];

- (e) Part 6 [*Costs and Sanctions*];
- (f) Part 7 [*Decisions*];
- (g) Part 8 [*Immunities*];
- (h) Part 9 [*Accountability and Judicial Review*] except section 58 [*standard of review with privative clause*].

[Provisions relevant to the enactment of this regulation: *Mines Act*, R.S.B.C. 1996, c. 293, s. 38.]

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*Mines Act*

**MINE RECLAMATION FUND REGULATION**

B.C. Reg. 287/94

**Fund established**

1 The mine reclamation fund described in section 12 of the *Mines Act* is established.

[Provisions of the *Mines Act*, R.S.B.C. 1996, c. 293, relevant to the enactment of this regulation: sections 12 and 38]

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## *Mines Act*

### **MINES FEE REGULATION**

B.C. Reg. 54/2015

Last amended January 25, 2021 by B.C. Reg. 6/2021

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### **PART 1 – INTERPRETATION**

#### **Interpretation**

- 1 (1) In this regulation:
  - “**Act**” means the *Mines Act*;
  - “**advisory committee**” means an advisory committee established for the purposes of section 9 of the Act;
  - “**mineral or coal mine**” means a mine at which mining activities in relation to surface or underground development or production of coal or minerals occur;
  - “**Minister of Finance**” means the minister responsible for the administration of the *Financial Administration Act*;
  - “**pit or quarry**” means a mine at which mining activities in relation to rock, industrial minerals, limestone, earth, clay, sand or gravel occur;
  - “**placer mine**” means a mine at which mining activities in relation to placer minerals occur;

“**regional mine**” means a placer mine or a pit or quarry.

- (2) For the purposes of this regulation, each cubic metre of pay dirt moved in a placer mine is deemed to be equivalent to 2 tonnes of pay dirt moved in the mine.

## **PART 2 – PERMIT FEES**

### **Prescribed permit fees**

- 2 (1) The prescribed fees for the review of an application for a permit or a revision to a permit are as set out in this Part.
- (2) This Part applies to the following persons:
- (a) a person who holds a permit on or after April 1, 2015;
  - (b) an applicant for a permit or a revision to a permit, if the application
    - (i) is made on or after April 1, 2015, or
    - (ii) was in relation to a mineral or coal mine and made before April 1, 2015 but no decision has been made to issue or to refuse the permit as of April 1, 2015.

### **General rules for regional mines**

- 3 (1) This section applies to applicants for, and holders of, permits in respect of regional mines.
- (2) An applicant for a permit or a revision to a permit for a placer mine must include with the application both of the following:
- (a) a statement of the maximum number of tonnes of pay dirt proposed to be moved in the highest producing year of the permit;
  - (b) the applicable permit fee, if any, as determined under section 4 [*permit fees for regional mines*].
- (3) An applicant for a permit or a revision to a permit for a pit or quarry must include with the application all of the following:
- (a) Repealed. [B.C. Reg. 73/2018, Sch. 2, s. 1.]
  - (b) a statement of the maximum number of tonnes of materials proposed to be extracted in the highest producing year of the permit;
  - (c) the applicable permit fee, if any, as determined under section 4.  
[am. B.C. Reg. 73/2018, Sch. 2, s. 1.]

### **Permit fees for regional mines**

- 4 (1) The applicable permit fees for the purposes of section 3 (2) (b) and (3) (c) [*general rules for regional mines*] are as set out in this section.



- (2) No permit fee applies in respect of an application for a revision that, in the opinion of the chief permitting officer, is merely administrative or clerical in nature.
- (3) Subject to subsection (2) of this section, the permit fee in respect of a placer mine is the fee, if any, set out in Column 3 of Table 1 opposite the tonnes of pay dirt stated under section 3 (2) (a), as set out in
  - (a) Column 1, in respect of a placer mine that is proposed to operate under the permit for 5 years or less, or
  - (b) Column 2, in respect of a placer mine that is proposed to operate under the permit for more than 5 years.

**Table 1: Permit Fees for Placer Mines**

| <b>Column 1</b>  | <b>Column 2</b>  | <b>Column 3</b>   |
|--|--|-------------------|
| <b>Tonnes proposed to be moved in highest producing year</b> |  | <b>Permit fee</b> |
| <b>Placer mine proposed to operate for 5 years or less</b>   | <b>Placer mine proposed to operate for more than 5 years</b> |                   |
| < 60 000   | < 10 000   | \$0               |
| 60 000 – < 125 000   | 10 000 – < 60 000  | \$4 000           |
| 125 000 – < 250 000  | 60 000 – < 125 000   | \$8 000           |
| 250 000 – < 500 000  | 125 000 – < 250 000  | \$16 000          |
| ≥ 500 000  | ≥ 250 000  | \$32 000          |

- (4) Subject to subsection (2) of this section, the permit fee in respect of a pit or quarry is the fee, if any, set out in Column 2 of Table 2 opposite the tonnes of materials stated under section 3 (3) (b), as set out in Column 1.

**Table 2: Permit Fees for Pits and Quarries**

| <b>Column 1</b>  | <b>Column 2</b>   |
|--|-------------------|
| <b>Tonnes proposed to be extracted in highest producing year</b> | <b>Permit fee</b> |
| < 5 000  | \$0               |
| 5 000 – < 10 000   | \$1 500           |
| 10 000 – < 20 000  | \$3 000           |
| 20 000 – < 30 000  | \$6 000           |
| 30 000 – < 40 000  | \$9 000           |
| 40 000 – < 50 000  | \$12 000          |

**Table 2: Permit Fees for Pits and Quarries**

| <b>Column 1</b>  | <b>Column 2</b>   |
|--|-------------------|
| <b>Tonnes proposed to be extracted in highest producing year</b> | <b>Permit fee</b> |
| 50 000 – < 60 000  | \$15 000          |
| 60 000 – < 70 000  | \$18 000          |
| 70 000 – < 80 000  | \$21 000          |
| 80 000 – < 90 000  | \$24 000          |
| 90 000 – < 100 000   | \$27 000          |
| 100 000 – < 130 000  | \$30 000          |
| 130 000 – < 170 000  | \$40 000          |
| ≥ 170 000  | \$50 000          |

[am. B.C. Regs. 73/2018, Sch. 2, s. 2; 6/2021, App. 2, s. 1.]

### **General rules for mineral or coal mines**

- 5 (1) This section applies to applicants for, and holders of, permits in respect of mineral or coal mines.
- (2) On receiving an application for a permit or a revision to a permit, the chief permitting officer must
- (a) determine the applicable permit fee, if any, in accordance with section 6 [*permit fees for mineral or coal mines*], and
  - (b) advise the applicant, in writing, of the amount of the permit fee and the date by which the fee must be paid.
- (3) If the chief permitting officer advised an applicant that the applicable permit fee was that set out under section 6 (3) (a) but the chief permitting officer subsequently refers the application to an advisory committee, the chief permitting officer must
- (a) determine, in accordance with section 6, the applicable permit fee,
  - (b) subtract from the amount determined under paragraph (a) the amount of the permit fee already paid, and
  - (c) advise the applicant, in writing, of the amount of the additional permit fee as determined under paragraph (b) and the date by which the fee must be paid.
- (4) An applicant who receives a notice under subsection (2) (b) or (3) (c) must pay the permit fee stated in the notice on or before the date stated in the notice.

[am. B.C. Reg. 6/2021, App. 2, s. 1.]

### **Permit fees for mineral or coal mines**

- 6 (1) The applicable permit fees for the purposes of section 5 [general rules for mineral or coal mines] are as set out in this section.
- (2) No permit fee applies in respect of an application for a revision that, in the opinion of the chief permitting officer, is merely administrative or clerical in nature.
- (3) Subject to subsection (2), the following permit fees apply:
- (a) \$10 000, if the chief permitting officer does not refer the application to an advisory committee;
  - (b) \$125 000, if the chief permitting officer refers the application to an advisory committee.
- (4) Despite subsection (3) (b), the chief permitting officer may reduce the permit fee for an application referred to an advisory committee to \$60 000 if the chief permitting officer is of the opinion that
- (a) the application is significantly less complex than usual, and
  - (b) the subject matter of the application is not likely to significantly
    - (i) change the design components of the mine, the mine plan or the reclamation program to be carried out in respect of the mine,
    - (ii) increase the impact on the land, watercourses or cultural heritage resources affected by the mine, or
    - (iii) increase risks to the health and safety of any person, including the public, in, on or about the mine.

[am. B.C. Reg. 6/2021, App. 2, s. 1.]

## **PART 3 – INSPECTION FEES**

### **Prescribed inspection fees**

- 7 The prescribed fees for inspections are as set out in this Part.

### **Inspection fees for pits or quarries**

- 8 (1) This section applies to holders of permits in respect of pits or quarries.
- (2) A permit holder must pay to the Minister of Finance the applicable inspection fee as determined under subsection (4).
- (3) Payment under subsection (2) must be made each year, on or before January 31, in respect of the period beginning January 1 of the previous calendar year.
- (4) The annual inspection fee is the amount set out in Column 2 of the following table opposite the number of tonnes of materials extracted in the previous calendar year, as set out in Column 1:

### Inspection Fees for Pits or Quarries

| Column 1<br>Tonnes extracted | Column 2<br>Inspection fee |
|------------------------------|----------------------------|
| ≤ 10 000                     | \$150                      |
| > 10 000 – ≤ 25 000          | \$450                      |
| > 25 000 – ≤ 50 000          | \$900                      |
| > 50 000 – ≤ 100 000         | \$1 950                    |
| > 100 000                    | \$3 750                    |

### Inspection fees for mineral or coal mines

- 9 (1) This section applies to holders of permits in respect of mineral or coal mines.
- (2) A permit holder must pay to the Minister of Finance the applicable inspection fee as determined under subsection (4).
- (3) Payment under subsection (2) must be made as follows:
- (a) in respect of the period beginning January 1 and ending June 30, on or before July 31 of that year;
  - (b) in respect of the period beginning July 1 and ending December 31, on or before January 31 of the following year.
- (4) Subject to subsection (5), the inspection fee is the amount calculated by multiplying the payroll for the applicable period under subsection (3), as determined for the purposes of the *Workers Compensation Act*, by 0.007.
- (5) If the amount calculated under subsection (4) in respect of a period is less than \$300, no inspection fee is payable for the period.
- (6) The permit holder must, on request of the Minister of Finance and within the time requested, provide to the Minister of Finance payroll and other accounting records for the purpose of verifying the amount calculated under subsection (4).

## PART 4 – CERTIFICATION FEES

### Definitions

10 In this Part:

“**blasting certificate**” has the same meaning as in the code;

“**fireboss certificate**” means a fireboss certificate and an underground coal mine fireboss certificate within the meaning of the code;

“**shiftboss certificate**” means a shiftboss certificate, an open pit shiftboss certificate and an underground shiftboss certificate within the meaning of the code;

“**supervisor’s certificate**” means a certificate of competency, a manager’s certificate of competency, a supervisor’s certificate of competency and a supervisor’s certificate within the meaning of the code.

[en. B.C. Reg. 73/2018, Sch. 1.]

### **Certification fees**

- 11** (1) A person who applies for a supervisor’s certificate must include with the application a fee totalling \$100 for each examination referred to in Part 1 of the code that the applicant is required to complete.
- (2) A person who applies, on or after April 1, 2019, for a blasting certificate must include with the application a fee totalling \$100 for each examination referred to in Part 8 of the code that the applicant is required to complete.
- (3) A person who applies, on or after April 1, 2020, for a shiftboss certificate must include with the application a fee totalling \$100 for each examination referred to in Part 1 of the code that the applicant is required to complete.
- (4) A person who applies, on or after April 1, 2021, for a fireboss certificate must include with the application a fee totalling \$100 for each examination referred to in Part 1 of the code that the applicant is required to complete.

[en. B.C. Reg. 73/2018, Sch. 1.]

[Provisions relevant to the enactment of this regulation: *Mines Act*, R.S.B.C. 1996, c. 293, section 38 (2)]



*Mines Act*

**MINES REGULATION**

B.C. Reg. 126/94

**Investigation by inspector**

**1** An inspector may, during the exploration, development, operation, closure or abandonment of a mine, investigate any matter relating directly or indirectly to the health and safety of any person or the public, including an investigation with respect to

- (a) death or injury,
- (b) accidents,
- (c) dangerous or unusual occurrences, or
- (d) complaints or allegations relating to health or safety,

and, for the purposes of an investigation, management must provide the inspector with access to all of the mine, including the underground and surface portions, and all mine records.

[Provisions of the *Mines Act*, R.S.B.C. 1996, c. 293, relevant to the enactment of this regulation: section 38 (2) (a), (c) and (g)]

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*Mines Act*

**NOTICE OF DEBT FORM REGULATION**

B.C. Reg. 475/98

Last amended Jan. 20, 2005 by B.C. Reg. 17/2005

**Notice of debt**

- 1 The prescribed form referred to in section 17 (4) of the *Mines Act* for a notice of debt is the applicable form approved by the Director of Land Titles under the *Land Title Act*.  
[en. B.C. Reg. 17/2005, Sch. 3, s. 3.]

[Provisions of the *Mines Act*, R.S.B.C. 1996, c. 293, relevant to the enactment of this regulation: sections 17 (4) and 38]

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## *Mines Act*

### PERMIT REGULATION

B.C. Reg. 99/2013

Last amended January 25, 2021 by B.C. Reg. 6/2021

#### *Contents*

#### **PART 1 – DEFINITIONS**

- 1 Definitions

#### **PART 2 – DEEMED AUTHORIZATIONS**

- 2 General limits on deemed authorizations
- 3 Chief permitting officer may overturn deemed authorization
- 4 Notices
- 5 Term extensions
- 6 IP surveys
- 7 Producing mines

#### **PART 3 – EXEMPTION FROM PERMITTING**

- 8 Exemption for Ministry of Transportation

### **PART 1 – DEFINITIONS**

#### **Definitions**

- 1 In this regulation:
  - “Act” means the *Mines Act*;
  - “exploration activities” has the same meaning as in Part 9 of the code;
  - “IP survey” means an induced polarization survey using exposed electrodes.

### **PART 2 – DEEMED AUTHORIZATIONS**

#### **General limits on deemed authorizations**

- 2 (1) This Part does not apply to a permittee who is subject to
  - (a) an order made under section 35 of the Act, or
  - (b) enforcement proceedings under section 37 of the Act.
- (2) A deemed authorization under this Part is subject to the limits and requirements of this Part.

### **Chief permitting officer may overturn deemed authorization**

- 3 (1) Despite any provision of this Part, the chief permitting officer may order that a deemed authorization under this Part does not apply in respect of a particular permit if the chief permitting officer considers the order necessary to protect health, safety, the environment or a cultural heritage resource.
- (2) An order under subsection (1) may be made on issuing a permit under the Act or within 30 days of receiving a notice under this Part.
- (3) The making of an order under this section does not prevent a person from making an application under section 10 (6) of the Act for a revision to a permit.  
[am. B.C. Reg. 6/2021, App. 3, s. 1.]

### **Notices**

- 4 Notices submitted under this Part must
- (a) be in the form and manner required by the chief permitting officer, and
  - (b) include the information required by the chief permitting officer.
- [am. B.C. Reg. 6/2021, App. 3, s. 1.]

### **Term extensions**

- 5 (1) A permit for exploration activities is deemed to authorize the permittee to extend the term of the permit by up to 2 years.
- (2) A permittee must give, in accordance with section 4, notice of an intended extension to the chief permitting officer no less than 30 days before expiry of the permit.
- (3) A permit may be extended under this section only once.  
[am. B.C. Reg. 6/2021, App. 3, s. 1.]

### **IP surveys**

- 6 (1) A permit for exploration activities is deemed to authorize the permittee to conduct an IP survey.
- (2) A permittee must give, in accordance with section 4, notice of the intention to conduct an IP survey to the chief permitting officer no less than 30 days before beginning an IP survey.  
[am. B.C. Reg. 6/2021, App. 3, s. 1.]

### **Producing mines**

- 7 (1) In this section:  
“**exploration drill program**” means a mineral or coal exploration drill program;

“producing mine” means a mine

- (a) for which a permit has been issued under the Act for production of minerals or coal, and
  - (b) that is currently operating.
- (2) A permit for a producing mine is deemed to authorize the permittee to conduct both an exploration drill program and an IP survey.
  - (3) A permittee must give, in accordance with section 4, notice of the intention to conduct an exploration drill program or IP survey not otherwise referred to in the permit to the chief permitting officer no less than 30 days before beginning the exploration drill program or IP survey.
  - (4) An exploration drill program or IP survey not otherwise referred to in a permit may be conducted only within the area of land that would be or has been disturbed by a mine or mining activities approved under the permit.  
[am. B.C. Reg. 6/2021, App. 3, s. 1.]

### PART 3 – EXEMPTION FROM PERMITTING

#### Exemption for Ministry of Transportation

- 8 (1) In this section, “Ministry of Transportation” means the ministry of the minister charged with the administration of the *Transportation Act*.
  - (2) A person or a ministry of the government is exempt under section 10 (1.1) (b) of the Act from the requirement to hold a permit in respect of a mine if both of the following conditions are met:
    - (a) the mine is operated exclusively by or for the Ministry of Transportation;
    - (b) the mine is not within a category prescribed as a reviewable project for the purposes of section 9 of the *Environmental Assessment Act*.
- [am. B.C. Reg. 6/2021, App. 3, s. 2.]

[Provisions relevant to the enactment of this regulation: *Mines Act*, R.S.B.C. 1996, c. 293, section 38]



## **PURPOSE**

The purpose of the Code is to:

- (1) Protect employees and all other persons from undue risks to their health and safety arising out of or in connection with activities at mines.
- (2) Safeguard the public from risks arising out of or in connection with activities at mines.
- (3) Protect and reclaim the land and watercourses affected by mining.
- (4) Monitor the extraction of mineral and coal resources and ensure maximum extraction with a minimum of environmental disturbance, taking into account sound engineering Practice and prevailing economic conditions.





## DEFINITIONS

- “*accident*” means an unintended event that results in physical harm to a person or damage to property. [PARTS 1 and 7]
- “*acid rock drainage (ARD)*” means low pH surface or ground water that results from the oxidation of sulphide minerals or, elemental sulphur, or the dissolution of acid generating minerals found in rocks and coal. [PARTS 9 and 10]
- “*asbestos free*” means containing less than 1% asbestos. [PART 2]
- “*autonomous*” means designed to perform the full job cycle without operator interaction or direct control by a person. [PARTS 1, 4, and 6]
- “*bail*” means the supporting structure for a shaft conveyance whereby the conveyance is connected, through suspension gear, to the hoisting rope. [PART 7]
- “*bedrock*” means the rock, usually solid, that underlies soil or other unconsolidated material, superficial material. [PART 6]
- “*bench*” means a horizontal step or floor above which material is excavated from a contiguous face and upon which drilling, blasting, and material haulage may be carried on. [PARTS 6 and 10]
- “*best available technology*” means the site specific combination of technologies and techniques that most effectively reduce the physical, geochemical, ecological and social risks associated with tailings storage during all stages of operation and closure. [PART 10]
- “*biological monitoring*” means the recording of serial medical tests or examinations which indicate the progressing health status of an individual or group of individuals. [PART 2]
- “*blast danger zone*” means an area in which there may be a danger to any person or property from flying material, or any other hazardous condition resulting from a blast. [PART 8]
- “*blaster*” means a person who is qualified under this part of the code to conduct blasting operations at a mine. [PARTS 8 and 9]
- “*blasting agent*” means a relatively insensitive, ammonium nitrate explosive which includes an AN/FO mixture, emulsion, slurry, or watergel. [PART 8]
- “*blasting certificate*” means a certificate issued under this part of the code which authorizes a person to conduct blasting operations at mines. [PARTS 8 and 9]
- “*blasting machine*” means a device used to initiate a blast. [PART 8]
- “*board*” in this part means the Board of Examiners appointed under section 1.13.1 of the Code. [PART 1]
- “*Board*” in this part means the Workers’ Compensation Board of British Columbia. [PART 2]

- “*bootleg*” means a remnant of a blasthole that did not properly break when the blast was initiated. [PART 8]
- “*bridge*” means a temporary or permanent structure carrying an exploration access above a stream or other topographic depression. [PART 9]
- “*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. [PART 2]
- “*CAS registry number*” means the identification number assigned to a chemical by the Chemical Abstracts Service, a division of the American Chemical Society. [PART 2]
- “*CSA*” means the Canadian Standards Association. [PARTS 1, 2, 3, 4, 5, 7, and 8]
- “*cage call system*” means an independent, electrically operated signaling system which may be activated at any shaft station and results in audible signals at all shaft stations [PART 7]
- “*catchment berm*” means a bench designed to arrest material which sloughs from a face or wall at elevations above the face being worked. [PART 6]
- “*category 1A dam*” means a dam as set out in section 10.2.11 (2).
- “*category 1B dam*” means a dam as set out in section 10.2.11 (3).
- “*category 2 dam*” means a dam as set out in section 10.2.11 (4).
- “*category 3 dam*” means a dam that is not a category 1A dam, category 1B dam or category 2 dam.
- “*certified audiometric technician*” means a person certified by the Ministry or by an agency or persons acceptable to the chief inspector. [PART 2]
- “*certified person*” means a person who is certified by an agency or board acceptable to the chief inspector. [PARTS 1, 4, 5, and 7]
- “*chair*” means a moveable support arranged to hold a shaft conveyance as required. [PART 7]
- “*clay and silt*” means those soils where more than 50% of the particles, by weight, are finer than the No. 200 (0.074 mm) U.S. standard sieve. [PARTS 6 and 10]
- “*clearing width*” means the width required to be cleared of standing timber to accommodate exploration access construction, maintenance and use. [PART 9]
- “*climate change*” means a change of climate that
- (a) is attributed directly or indirectly to human activity,
  - (b) alters the composition of the global atmosphere, and
  - (c) is in addition to natural climate variability observed over comparable time periods.

- “*coarse coal rejects*” or “*CCR*” means the coarse particles remaining from the preparation of coal.
- “*co-disposed tailings storage facility*” means a TSF that contains a combination of tailings and waste rock.
- “*collar*” in this part, means the start of a drilled blast hole. [PARTS 6, 8, and 9]
- “*commission*” means the Hazardous Materials Information Review Commission established by the *Hazardous Materials Information Review Act* (Canada). [PART 2]
- “*community watershed*” has the same meaning as defined in the *Forest and Range Practices Act*. [PART 9]
- “*Confined Space*” means an area, other than an underground working, that includes all of the following:
- is enclosed or partially enclosed;
  - is not designed or intended for continuous human occupancy;
  - has limited or restricted means for entry or exit that may complicate the provision of first aid, evacuation, rescue or other emergency response service;
  - is large enough and so configured that a worker could enter to perform assigned work. [PARTS 3 and 6]
- “*construction*” includes any activity involving the erection, modification, or dismantling of any structure or building and any road building associated therewith. [PARTS 1, 4, 6, 7, 9, and 10]
- “*container*” includes a bag, barrel, bottle, box, can, cylinder, drum, or similar package or receptacle. [PARTS 2, 4, 6, 8, and 9]
- “*controlled product*” means a product, material or substance specified by regulations made pursuant to section 15(1)(a) of the *Hazardous Products Act* (Canada) as products, materials and substances included in any of the classes listed in Schedule II of that Act. [PART 2]
- “*culvert*” means a transverse drain pipe or log structure buried below the exploration access surface. [PART 9]
- “*dam*” means a barrier that is constructed for the retention of
- water, including water containing any other substance including tailings, or
  - flowable tailings.
- “*dam qualified person*” means a person designated under section 10.4.2 (1) (b).
- “*deactivation*” means stabilization of an exploration site or exploration access when active use of the site or access is suspended seasonally or for other reasons for a period up to 3 years or longer if approved by an inspector. [PART 9]
- “*deleterious substance*” means any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by humans or fish that frequent that water. [PART 9]

- “*design summary document*” means the document described in section 10.5.4.
- “*destructive testing*” means a test on a sample of a shaft rope where the rope or individual wires from the rope are broken by a testing machine. [PART 7]
- “*detonator*” means a blasting cap, or other device used to initiate detonation of an explosive. [PART 8]
- “*detonator house*” means a magazine used to store detonators. [PART 8]
- “*dewatered tailings*” means tailings that have had the moisture content reduced so as to be handled using dry handling processes.
- “*dewatered tailings storage facility*” means a TSF that contains dewatered tailings.
- “*direct reading atmospheric testing device*” means a tool used for detecting and measuring worker exposure to gases, vapours, aerosols and fine particulates suspended in air. [PART 6]
- “*dump berm*” means a barrier or ridge of materials other than snow or mud, acting as a guide that will indicate the limit of travel of a vehicle from which material is to be dumped. The heights of the ridge shall not be less than one half the height of the tire of the vehicle from which material is dumped. [PART 6]
- “*dump block*” means a barrier of sufficient size and strength and anchored sufficiently to prevent a vehicle from entering an opening while coasting at a speed of less than 2 km/hr. [PART 6]
- “*dumping position*” means the position of a haulage vehicle when stopped to dump material and is further defined for section 6.20.4 as the zones of contact between the dump surface and the rear vehicle wheels closest to the dump berm or edge of the bank. [PART 6]
- “*dump material*” means waste or any material used in the construction of a dump or stockpile. [PART 6]
- “*dump or stockpile*” means the accumulation of deposited rock fragments or other unconsolidated material. [PART 6]
- “*dump person*” means a person authorized by the manager and stationed on a dump for the purposes of section 6.10 of the code. [PART 6]
- “*dust exposure occupation*” means employment
- (1) in an asbestos mine, or
  - (2) where a person is normally required to work more than 20% of the person’s working time in any one month
    - (a) underground in a mine,
    - (b) in the mining activity of open pit and glory hole operations,
    - (c) in crushing plants, assay grinding rooms, or coal cleaning plants,
    - (d) in operations that involve dry milling or dry concentrating,
    - (e) in wet concentrating plants where the plant is not adequately separated from dry crushing plants, or

- (3) at other locations designated by the chief inspector. [PART 2]
- “*electromagnetic device*” means a device using an electromagnetic system for examining shaft ropes. [PART 7]
- “*emerging technology*” means a technological innovation to mining equipment and related infrastructure that has an inherent risk to health and safety including
- autonomous and semi-autonomous machine systems,
  - battery electric vehicles,
  - hybrid vehicles,
  - hydrogen-powered vehicles, and
  - trolley-assisted technology.
- “*employees*” means all persons employed at a mine.
- “*employer*” means owner, agent, or manager as defined in the *Mines Act*. [PART 2]
- “*engineer of record*” means a professional engineer who is retained and accepts professional responsibility for a TSF or dam under section 10.4.1.
- “*environmental design flood*” means the hydrological event that is to be managed without release of water to the environment. [PART 10]
- “*exploration access*” means trails and roads constructed, modified, excavated, bladed or created through frequent use including any associated structures. [PART 9]
- “*exploration activities*” are those activities which are undertaken in the search for and development of coal and minerals, as defined in the *Mineral Tenure Act*, with the exception of placer minerals:
- and include
    - disturbance of the ground by mechanical means such as drilling, trenching and excavating;
    - blasting;
    - construction, modification, deactivation and reclamation of an exploration access and camps;
    - induced polarization surveys using exposed electrodes; and
    - site reclamation.
  - but do not include
    - prospecting using hand tools;
    - geological/geochemical surveying;
    - airborne geophysical surveying;
    - ground geophysical surveying without the use of exposed, energized electrodes;
    - hand trenching without the use of explosives; or
    - establishment of exploration grid lines that do not require the felling of trees, with the exception of trees and shrubs that create a hazard to safe passage and danger trees as defined in the Workers’ Compensation Board Regulation. [PART 9]
-

- “*explosive*” means any chemical compound or mixture which, when detonated, violently decomposes producing a large volume of gas at high temperatures capable of having destructive effects. [PARTS 1, 6, 7, 8, and 9]
- “*face*” means a surface of rock, ore, coal, or other material exposed by blasting or excavation which extends from a bench or floor to an upper bench or to the natural land surface. [PART 6]
- “*factor of safety (ropes)*” means the number of times the breaking strength of a shaft rope exceeds the weight it supports at a specified location of the rope. [PART 7]
- “*failure scenario*” means an outline, from beginning to end, of a sequence of future events that
- (a) may lead to a failure of a TSF or dam, and
  - (b) takes into account loading conditions and failure modes.
- “*fill*” means a deposit of discrete particles, either loose or well-compacted, placed in layers or dumped into a ravine, valley, or depression. [PART 10]
- “*final closure*” means a closed tailings storage facility or dam that does not pose ongoing material risks to people or the environment.
- “*fish passage*” means the movement of fish at all life stages consistent with the natural state of fish streams. [PART 9]
- “*fish stream*” means all streams, unless,
- (a) a report from a qualified professional or technologist with adequate training or knowledge of fish habitat determines that the stream is a non-fish bearing stream, or
  - (b) the stream has been identified in a fish inventory carried out in accordance with the Ministry of Forests’ publication “Fish Stream Identification Guidebook”, as amended from time to time, as not containing any fish, or
  - (c) the stream is located upstream of a known barrier to fish passage, identified on a fish and fish habitat inventory map, where all reaches upstream of the barrier are simultaneously dry at any time during the year and no perennial fish habitats occur in any part of the upland drainage. [PART 9]
- “*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. [PART 2]
- “*HSRC Guidance Document*” means the guidance document prepared by the chief inspector in consultation with the health safety and reclamation code committee for the purposes of this code. [PART 10]
- “*haulage road*” means a part of a mine used for the transport of coal, aggregate, minerals, or waste rock. [PART 6]
- “*hazard*” means an unsafe or harmful condition, substance, or circumstance.

- “*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. [PART 2]
- “*hazardous*” means the existence, or reasonable probability of the existence, of an unsafe or harmful condition, substance, or circumstance. [PARTS 1 and 2]
- “*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. [PART 2]
- “*hazardous substance*” means a substance which may be injurious to the health or safety of a worker. [PART 2]
- “*hazardous waste*” means a hazardous product or other substance that is acquired or generated for recycling or recovery or is intended for disposal. [PART 2]
- “*headframe*” means a structure at the top of a mine shaft which carries the sheaves for the hoisting ropes. [PART 7]
- “*health professional*” means a person registered in a health profession, as defined in the *Health Professions Act*, in which a person exercises skill or judgment or provides a service related to
- (a) the preservation or improvement of the health of individuals, or
  - (b) the treatment or care of individuals who are injured, sick, disabled or infirm. [PART 2]
- “*hoist*” in this part of the code, “hoist” means a hoisting engine used to raise or lower persons, rock or any other material, in a shaft conveyance, through a vertical or inclined shaft. [PART 7]
- “*hoist signaling system*” means an independent, electrically operated signaling system which may be activated at any place within the shaft and results in audible signals at the hoist operator’s place of work and at all shaft stations. [PART 7]
- “*impoundment*” means a body of water, which may contain another substance or flowable materials including flowable tailings, that is confined by natural barriers or dams.
- “*Indigenous knowledge*” means the knowledge Indigenous peoples have, that
- (a) has been acquired through their unique cultures, languages, spiritual teachings, values, history, governance, legal systems, experiences and observations within their traditional territories, and
  - (b) is dynamic, holistic, intergenerational and continuously evolving within contemporary society.
- “*inflow design flood*” means the flood into the impoundment resulting from the design hydrologic event. [PART 10]

- “*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. [PART 2]
- “*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. [PART 2]
- “*land capability*” means the capability of achieving a specified land use estimated by limitations as a result of climate, topography and soils. [PART 10]
- “*landform*” means a designated structure that can be considered to have a risk profile similar to the surrounding environment. [PART 10]
- “*leg wires*” means the wires attached to an electric blasting cap used for initiating its detonation. [PART 8]
- “*management system*” means the processes and procedures that collectively provide a systematic framework for ensuring that tasks are performed consistently in order to achieve a specified outcome and support continual improvement in performance.
- “*magazine*” means a building, storehouse, or structure where explosive materials are kept or stored but does not include containers used for transporting explosives or day storage boxes. [PART 8]
- “*major dump*” means a dump that contains a volume of dumped material that exceeds one million cubic metres, or has a dump height greater than 50 metres, or has an area that is covered by a dump that exceeds one hectare, or is founded upon natural or trimmed slopes that are sometimes steeper than 20 degrees from a horizontal plane, or contains material dumped or placed in a water course having a potential peak flow greater than one cubic metre per second, once in every 200 years, or any other mine dumps so declared by the **chief permitting officer**. [PART 10]
- “*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. [PART 2]
- “*mine hoisting plant*” means a mine hoist for an underground mine and includes the prime mover, transmission equipment, head frame, sheaves, ropes, shaft, shaft conveyances, shaft sinking equipment, shaft furnishings, hoist controls, counterweight, signaling and communications equipment and any other equipment used in connection with a hoist. [PART 7]



- “*mishole*” “(*misfire*)” means a charge or part of a charge which, upon initiation, failed to completely detonate. [PART 8]
- “*Musculoskeletal Disorders (MSD)*” means the term used to describe disorders of the bones, joints, ligaments, tendons, muscles and other soft tissues. These disorders refer to a whole range of conditions affecting different parts of the body. [PARTS 1 and 2]
- “*non-destructive test*” means the examination of a part without subjecting it to physical distortion, damage, or destruction. [PART 7]
- “*non-electric cap*” means a detonator which does not require an electric current to initiate its explosive charge. [PART 8]
- “*occupational illness*” means a condition that results from exposure, in a workplace, to a physical, chemical, or biological agent to the extent that the normal physiological mechanisms are affected causing impairment to the worker. [PARTS 1 and 2]
- “*open pit shiftboss*” means a supervisor who is responsible for an open pit or part of it and holds an open pit shiftboss certificate granted pursuant to the code. [PART 6]
- “*overburden*” means all unconsolidated naturally occurring material overlying bedrock. [PARTS 6 and 10]
- “*permit*” means a permit issued pursuant to section 10 (3) of the *Mines Act*. [PART 10]
- “*primed cartridge*” means an explosive containing a detonator. [PART 8]
- “*prime mover*” means a machine or other device that provides an initial source of motive power. [PART 7]
- “*probable maximum flood*” means the hypothetical most severe flood that may credibly be expected to occur at a particular location resulting from the seasonal maximum combination of precipitation and snowmelt. [PART 10]
- “*product identifier*” means, in respect of a hazardous product, the brand name, chemical name, common name, generic name, or trade name. [PART 2]
- “*professional engineer*” means an individual who is
- registered to practise in the Province of British Columbia, according to the *Professional Governance Act* and Engineers and Geoscientists Regulation, and
  - qualified to practise in the relevant discipline.
- “*provisional blasting certificate*” means a blasting certificate issued by the manager, valid for a maximum of 90 days. [PART 8]
- “*qualified professional*” means an individual who
- is registered, and in good standing, with a professional organization in British Columbia governed under an enactment, and
  - is acting within the individual’s area of professional expertise. [PARTS 3, 6, 9, and 10]
- “*quantifiable performance objectives*” means the measurable monitoring parameters that are required to be maintained within predetermined limits.

- “*ramp*” means a sloping roadway and in the case of a surface mine, connects two levels of excavation or benches. [PART 6]
- “*reach*” means a portion of a watercourse that has a consistent channel width, morphology and gradient. [PART 9]
- “*reactivated mine hoisting plant*” means a mine hoisting plant that is placed into service after being out of use for a period in excess of one year. [PART 7]
- “*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. [PART 2]
- “*regionally significant wildlife habitat*” means those site specific habitats identified through formal government processes as requiring special management attention. [PART 9]
- “*reportable incident*” means an incident referred to in section 1.7.1. [PART 1]
- “*riparian setback*” means an area of land adjacent to a stream, wetland or lake of a width defined in Table 9.1. [PART 9]
- “*risk assessment*” means a systematic process of evaluating the potential risks that may be involved in a projected activity or undertaking. [PARTS 3, 6, and 10]
- “*risk phrase*” means, in respect of a controlled product or a class, division, or subdivision of controlled products, a statement identifying a hazard that may arise from the nature of the controlled product or the class, division, or subdivision of controlled products.
- “*road prism*” means cross-section of the ground containing the exploration access surface, including the cut and fill slopes. [PART 9]
- “*round*” means a number of charged blast holes to be fired in a specific sequence. [PART 8]
- “*safety catch*” means a safety appliance or fitting which transfers the weight of the cage onto the shaft guides if the hoisting rope breaks. [PART 7]
- “*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. [PART 2]
- “*safety dogs*” means those portions of the safety catches which penetrate the shaft guides if the hoisting rope breaks. [PART 7]
- “*safety fuse assembly*” means a device to convey flame to a non-electric blasting cap. It consists of a train of black powder, tightly wrapped and enclosed with waterproof

- material, which burns continuously at a constant rate when ignited by means of an attached igniter cord connector. [PART 8]
- “*sand and gravel*” means those soils where more than 50% of the particles, by weight, are coarser than the No. 200 (0.074 mm) U.S. standard sieve. [PART 6]
- “*semi-autonomous*” means designed to perform a subset of tasks within the full job cycle without operator interaction or direct control by a person. [PARTS 1, 4, and 6]
- “*sensitive area*” means any area where the blast including blast vibration or air blast may have an adverse effect on fish or wildlife. [PART 8]
- “*serious injury*” means an injury that can reasonably be expected at the time of an incident to endanger life or cause permanent injury. [PART 1]
- “*shaft casing*” means the continuous steel lining of a shaft. [PART 7]
- “*shaft conveyance*” means a conveyance raised or lowered by a mine hoist in a shaft and includes a bucket, a single or multi-deck cage, a skip or combination of skip and cage used to transport workers and material or both. [PART 7]
- “*shaft furnishing*” means any installation within the shaft, other than casing and lining, which is required to support the shaft or services therein. [PART 7]
- “*shaft lining*” means the timber, concrete, brick or steel structure, or weld mesh, fixed around the shaft to support the walls. This does not imply continuous lining. [PART 7]
- “*shaft obstruction*” means any protrusion into a shaft compartment in which hoisting may be carried out. [PART 7]
- “*shaft or winze*” means an excavation of limited perimeter compared with its depth in which persons and material, or both, are transported by means of a mine hoisting plant. [PART 7]
- “*shaft rope*” means any rope used with a shaft hoist installation including a hoisting rope, a balance rope and a guide rope. [PART 7]
- “*shoulder barrier*” means a barrier or ridge of material, other than snow or mud, placed along the edge or crest of a surface roadway, ramp, dump or stockpile where the vehicles operate and where there is a drop-off of more than 3 m beyond the edge or crest. The height of the barrier shall not be less than 3/4 of the height of the largest tire on any vehicle used at that location. [PART 6]
- “*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. [PART 2]
- “*socket*” means a short stub of a drill hole commonly found after a hole has been blasted. [PART 8]
- “*soil*” means all unconsolidated mineral or organic material above bedrock that is capable of supporting plant life. [PARTS 6, 9, and 10]

- “*standard guardrail*” means a guardrail structure comprised of a top rail approximately 1070 mm (42”) above floor level, a toe-board, and a midrail approximately midway between the underside of the top rail and the upper edge of the toe-board. They shall be designed to withstand a load of 900 N (200 lbs.) applied in any direction and at any point on the top rail. [PART 4]
- “*stream*” means any naturally occurring reach flowing on a perennial or seasonal basis with a continuous channel bed and banks, whether or not the bed or banks of the reach are locally obscured by overhanging or bridging vegetation or soil mats, if the channel bed
- (a) is scoured by water, or
  - (b) contains any material collection of inorganic alluvium deposited by water. [PART 9]
- “*stream width*” means the horizontal distance between stream banks on opposite sides of the stream measured
- (a) at right angles to the general orientation of the banks, and
  - (b) between the points on each bank indicated by a definite change in vegetation and sediment texture marking the normal annual flood level and sometimes shown by the edges of rooted terrestrial vegetation. [PART 9]
- “*suitable*” means suitable to the satisfaction of the inspector. [PART 1]
- “*supplier label*” means a label provided by a supplier that contains the information elements required by the *Hazardous Products Act* (Canada). [PART 2]
- “*supplier material safety data sheet*” means a material safety data sheet provided by a supplier. [PART 2]
- “*surface roadway*” means any part of a mine where vehicles carrying persons, materials, or equipment, regularly travel, and includes a haulage road. [PART 6]
- “*surficial soil material*” means those soils commonly contained in the upper layers of the overburden mass, which are suitable for use in reclamation, either as growth medium, soil covers and seals, or other reclamation requirements. [PART 10]
- “*suspension gear*” mean all components necessary to effect a secure attachment between the hoisting rope and the conveyance. [PART 7]
- “*TSF qualified person*” means the person designated under section 10.4.2 (1) (a) of this code. [PART 10]
- “*tailings*” means the residue remaining from the preparation of coal or from a concentrate of minerals but does not include coarse coal rejects or the by-products from placer mining, sand and gravel pits, rock quarries or industrial mineral quarries.
- “*tailings storage facility*” or “*TSF*” means a facility that stores tailings and manages water, if any, related to the tailings, including tailings dams, tailings deposition, water reclamation systems, water management systems and associated engineering works and structures, but does not include tailings placed in an underground mine.

- “*temporary bridge*” means a bridge whose expected life at its current location is 15 years or less. [PART 9]
- “*threshold limit value – ceiling (TLV-C)*” means the concentration that must not be exceeded during any part of the working exposure. [PART 2]
- “*threshold limit value – short term exposure limit (TLV – STEL)*” means the concentration to which workers can be exposed continuously for a short period time, provided the daily TLV-TWA is not exceeded. It must be no longer than 15 minutes, be separated by at least 60 minutes if repeated, and occur no more than 4 times per day. [PART 2]
- “*threshold limit value – time weighed average (TLV-TWA)*” means the time weighed average concentration for a normal 8 hour day and a 40 hour workweek, to which nearly all workers can be repeatedly exposed without adverse effect. [PART 2]
- “*toe-board*” means a metal or wood guard strip, approximately 100 mm in height, placed along the bottom of a guardrail structure, and having a clearance of not greater than 13 mm (1/2”) between its lower edge and the walkway or platform to prevent tools or other material from falling off. [PART 4]
- “*underground enclosure defined*” in this part means any area in an underground mine that is used to enclose equipment, machinery, or to provide shelter, and is a suitable working environment. It includes service garages, fuelling stations, fuel, and lubrication storage areas. [PART 4]
- “*urban area*” means an area, within which there are residences or other structures that may be impacted by the adverse effects of a blasting operation. [PART 8]
- “*WHMIS*” means the Workplace Hazardous Materials Information System referred to in section 2.13. [PART 2]
- “*wall*” means a surface of rock or material exposed by the excavation of one or more faces and benches in successive horizontal layers. [PART 6]
- “*watercourse*” means a natural stream or source of water, whether usually containing water or not, and includes any lake, river, creek, spring, ravine, swamp, and gulch. [PARTS 6 and 10]
- “*wetland*” means an area of 0.25 hectares or greater, unless a smaller area is identified as regionally significant wildlife habitat, that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in wet or saturated soil conditions. [PART 9]
- “*winze*” (see shaft) [PART 7]
- “*work platform*” means a platform attached through suspension gear to the hoisting rope and used by persons performing work in a mine shaft. [PART 7]

“*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. [PART 2]

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## Application of Code

### Application

- 1.1.1** This code applies to
- (a) all mines in the Province of British Columbia; and
  - (b) the manager shall ensure that all employees who supervise workers are familiar with all appropriate parts of the act, regulations, and the code.

### Absence of Code Requirements

- 1.1.2** Notwithstanding the absence of a specific code requirement, all work shall be carried out without undue risk to the health or safety of any person.

### Conflicting Codes

- 1.1.3** If any conflict should arise between this code and any other code or standard with which compliance is required by this code, the provisions of this code shall prevail.
- 1.1.4** Where this code adopts in whole or in part a code or standard published by a national or international standards association if directed by the chief inspector shall include amendments to such standards as made from time to time.
- 1.1.5** Unless otherwise ordered by the chief inspector, equipment and buildings purchased or constructed must be in compliance with the standard in effect at the time of purchase or construction.

## Variance

### Variance of Code Provision

- 1.2.1** On application, the chief inspector may, by order, authorize a variance from a provision of the code for a particular mine.
- 1.2.2.** A variance may only be made if the chief inspector has considered any comments subject to 1.2.3(3), and is satisfied that the variance
- (a) affords protection for the workers equal to or greater than the protection established by the provision being varied, or
  - (b) has substantially the same purpose and effect as the provision being varied.
- 1.2.3** The manager, the OHSC, or the local union or worker representative if there is no union, at an individual mine may
- (1) submit a written request to the chief inspector for a variance of a provision of the code,
  - (2) shall, when submitting a request for a variance, provide the other two parties at the minesite with copies of the submission, and

- (3) may within 30 days of receiving a copy of the request for a variance, submit to the chief inspector written comments on the request and provide a copy to the other two parties.

### Postings

- 1.2.4 The manager shall ensure that a legible copy of each variance granted is posted and maintained on conspicuously located bulletin boards at the mine.

## Authority to Enter a Mine

### Authorization

- 1.3.1 Other than an inspector, only persons authorized by the manager shall enter or be permitted to enter a mine.

### Posting

- 1.3.2 Notice to this effect shall be posted at all road entrances to the mine by the manager and, for non-operating mines, the contact information of a qualified person shall be included in the notice.

### Unauthorized Access

- 1.3.3 Unless authorized by the manager, no persons shall enter or leave a mine except by a recognized means of entry or exit.

## Posting and Distribution of *Mines Act*, Regulations, and Code

### Manager's Responsibility

- 1.4.1 The manager shall ensure that
  - (1) every employee is given a copy of the *Mines Act*, the regulations, and the code, and provided additional copies at cost, and
  - (2) a copy of the *Mines Act*, the regulations, and the code is maintained in every safety office and at other suitable locations and available to employee.

## Hours of Employment

### Hours of Work

- 1.5.1 Notwithstanding the provisions of the *Employment Standards Act*, the manager shall ensure that, over the period of any work schedule, no worker shall be scheduled to work more than an average of 50 hours per week.
  - (1) The manager shall not permit the employment of a person at a surface mine for a period longer than 16 hours in any 24 hours;

- (2) The maximum scheduled shift underground in a mine shall be no longer than 10 hours, and the manager shall not permit the employment of a person underground at a mine for a period longer than 12 hours in a 24 hour period;
- (3) 1.5.1 does not apply to emergency where life or property is in danger, or
  - (i) Where urgent work is essential to the continuation of the ordinary working of a mine, providing it is only on an infrequent basis, or
  - (ii) where work schedules incorporate periodic shift changes within a 24-hour period.

### **Occupational Health and Safety Committee**

#### **Committee Members**

- 1.6.1** The manager shall establish and maintain a joint management-worker Occupational Health & Safety Committee
  - (a) at a mine where 20 or more workers are regularly employed, and
  - (b) at any other mine when ordered by an inspector.
- 1.6.2** The Occupational Health and Safety Committee shall be composed of management and an equal or greater number of worker representatives, and such committee shall have
  - (1) two or more worker representatives, chosen by the workers, and
  - (2) two co-chairpersons, one of the worker representatives and the other a management representative, and they may alternate chairing the meetings.

#### **Inspection**

- 1.6.3** The committee shall
  - (1) inspect as many of the work sites as it considers appropriate every month and as soon as possible after the inspection, meet to discuss its findings and any other matters concerning health and safety, and
  - (2) prepare minutes of the meeting including a description of conditions found during the inspection.
- 1.6.4** The minutes of the meeting referenced in section 1.6.3(2) shall be signed by the OHSC co-chairpersons or their designates and a copy shall without delay
  - (1) be filed with the manager, and
  - (2) be forwarded to the local union(s), and
  - (3) be displayed in a conspicuous location at the mine until replaced by the minutes of the next meeting, and
  - (4) be made available to an inspector on request.

**Accident Investigation**

1.6.5 Repealed.

1.6.6 Repealed.

**Cooperation With Committee**

- 1.6.7 The manager and all persons working at the mine shall cooperate fully with the OHSC by
- (1) providing it with every reasonable facility for carrying out its inspections and investigations, and
  - (2) allowing it access to all reports, plans, records and standards pertinent to the work of the OHSC, and
  - (3) correcting the safety hazards noted in the OHSC minutes by the date agreed by the OHSC committee.

**OHSC Training**

- 1.6.8 Where 20 or more workers are regularly employed, the manager shall arrange for a qualified person to provide the committee with training sessions on three occasions during the year.

**Health and Safety Program**

- 1.6.9
- (1) The manager shall develop a Mine Health and Safety Program which includes the following sections
    - (a) a written policy statement,
    - (b) general safety rules,
    - (c) safe working procedures on a departmental basis,
    - (c.1) if emerging technology is used at the mine, safe working procedures for the emerging technology,
    - (d) a list of hazardous materials, safe handling procedures and antidotes,
    - (e) provision for the regular monthly crew safety meetings,
    - (f) procedures for accident and serious incident investigation,
    - (g) procedures for safety tour inspections, and
    - (h) a written preventative training program, acceptable to the chief inspector, to educate OHSC members in the recognition, evaluation and prevention of adverse health effects resulting in Musculoskeletal Disorders (MSD) and in reporting related symptoms and injuries.
  - (2) The OHSC shall review the Mine Health and Safety Program, including OHSC Training, for completeness and effectiveness on an ongoing basis and submit its findings to the manager.

**Entitlement to Time**

- 1.6.10** The manager shall ensure that OHSC representatives are given reasonable time to carry out their duties as prescribed in the code and that time so spent is counted as time worked.
- 1.6.11** A worker health and safety representative chosen by the workers is required
- (1) (a) at a mine where 9 but less than 20 workers are regularly employed, and  
(b) at any other mine when ordered by an inspector.
  - (2) To the extent practicable, a worker health and safety representative has the same duties and functions as an OHSC.
- 1.6.12** Where there are 5 or less workers on a shift, or less than 9 workers in total employed at a mine, there shall be a crew safety meeting
- (a) at the commencement of operations at a mine, and
  - (b) at least monthly thereafter, and
  - (c) minutes of these meetings shall be kept and made available to the inspector on request

**Reportable Incidents****Reportable Incidents**

- 1.7.1** (1) The following incidents are classified as dangerous occurrences and must be reported in accordance with section 1.7.2:
- (a) an incident that causes serious injury or loss of life;
  - (b) an incident that had the potential to cause serious injury or loss of life.
- (2) In addition to an incident referred to in subsection (1), the following incidents are classified as dangerous occurrences and must be reported in accordance with section 1.7.2:
- (a) unexpected major groundfall, slope failure or subsidence;
  - (b) unexpected structural failure or collapse of any part of the mine;
  - (c) for dams or dikes:
    - (i) unexpected cracking, subsidence, seepage, springs;
    - (ii) loss of freeboard;
    - (iii) washout, structural erosion, or any other deficiency that may adversely affect the integrity of the structure.
  - (d) equipment going out of control or an unexpected movement of equipment;
  - (e) unexpected inrush of water, mud, slurry or debris;
  - (f) unexpected significant inflow or release of explosive, flammable, toxic or other dangerous gas, or ignition or explosion of gas or dust;

- (g) any of the following if it has the potential to cause, or causes, injury to persons or damage to equipment or property:
  - (i) an incident involving explosives;
  - (ii) outbreak of fire;
  - (iii) an incident involving electrical equipment;
  - (iv) failure of a pressure vessel or boiler;
  - (v) unintentional contact with a falling object or drilling or other rotational equipment;
  - (vi) exposure to hazardous environmental conditions;
- (h) for underground mines,
  - (i) unexpected cracking, seepage, failure or pressure on a bulkhead;
  - (ii) an incident involving a mine hoisting plant including, without limitation, sheaves, hoisting rope, shaft conveyance, shaft, shaft timber or headframe structure,
  - (iii) unplanned stoppage of the main underground ventilation system, or
  - (iv) an underground fire.

#### **Notification of a Reportable Incident**

- 1.7.2** (1) In the event of a reportable incident, the manager must
- (a) in the case of a reportable incident referred to in section 1.7.1. (1) (a), within 4 hours of the reportable incident, provide a verbal notification of the incident to an inspector, the management co-chair and the worker co-chair of the OHS committee or their designates and the local union,
  - (b) within 16 hours of a reportable incident, provide a written notice of the incident to an inspector, the management co-chair and the worker co-chair of the OHS committee or their designates and the local union, and
  - (c) within 60 days of a reportable incident, or within any longer time that may be specified by the chief inspector, submit the investigation report required under section 1.7.4 (2) to the chief inspector.
- (2) The manager must engage with First Nations that may be affected by reportable incidents to determine which reportable incidents must be reported to the First Nations.

#### **Release of a Scene of a Reportable Incident**

- 1.7.3** Subject to any order under section 15 of the Act, the manager must ensure that, except for the purpose of saving life or relieving human suffering, the scene of a reportable incident is not disturbed without approval of
- (a) the OHSC worker representative,
  - (b) an inspector, or

- (c) in the case of an incident resulting in loss of life, the chief inspector.

### **Investigation of a Reportable Incident**

- 1.7.4** (1) The manager must ensure that an investigation into every reportable incident is carried out by persons knowledgeable in the type of work and in collaboration with the management co-chair and the worker co-chair of the OHS committee or their designates.
- (2) On completion of the investigation, the manager must prepare a report, signed by all participants listed in subsection (1), that includes the following:
- (a) a description of the incident;
  - (b) a description of the work conducted at the time and place of the incident;
  - (c) an identification of the causes of the incident and any unsafe conditions, acts, or procedures which may have contributed to the incident;
  - (d) an identification of any corrective actions that are necessary to prevent the recurrence of similar incidents, including a projected timeline for implementation of the corrective actions;
  - (e) any additional information required by the chief inspector.

### **Personal Protective Equipment**

#### **Manager's Responsibility**

- 1.8.1** The manager shall
- (1) except for protective footwear and prescription eyeglasses, supply properly fitted personal protective equipment as required by the code,
  - (2) ensure that workers are instructed in the use and maintenance of the equipment, the reasons for it, and also on its location and limitations, and
  - (3) ensure that the equipment is adequate for its purpose.

#### **Workers' Responsibility**

- 1.8.2** All persons shall wear the personal protective equipment as required by the code.

#### **Protective Hat**

- 1.8.3** A protective hat complying with the relevant requirements of CSA Standard Z94.1-M 1977 "Industrial Protective Headgear," and suitable for the type of work or activity being performed, shall be worn by persons where there is a risk of head injury or where required by the manager or an inspector. Where conditions may cause the hat to be accidentally dislodged

- (1) a device shall be incorporated into the hat and worn in order to prevent the hat being dislodged during a fall, and
- (2) in the case of underground work, a chin strap and hearing protection muffs attached to the hat shall be worn.

**Protective Footwear**

- 1.8.4** Protective footwear complying with the relevant requirements of CSA Standard Z195-M1984 “Protective Footwear”, and suitable for the type of work or activity being performed, shall be worn by persons where there is a risk of foot injury or where required by the manager or an inspector.

**Eye Protection**

- 1.8.5** Properly fitting goggles, face shields, or other eye protective equipment complying with the relevant requirements of CAN/CSA Standard Z94.3-M88 “Industrial Eye and Face Protectors,” and suitable for the type of work or activity being performed, shall be worn by a person who
- (1) is handling or is exposed to any material which is likely to injure or irritate the eyes,
  - (2) is engaged in any work in which there is a risk of eye injury,
  - (3) has 20/200 vision or is blind in either eye, or
  - (4) is working or passing through an area which the manager or inspector has designated as requiring such protection.

**Contact Lenses**

- 1.8.6** No person shall wear contact lenses where prohibited by the manager.

**Hearing Protection**

- 1.8.7** Where noise levels exceed the requirements of Table 2-2, Part 2, persons shall wear hearing protectors which are selected, maintained and used in accordance with CSA Standard Z94.2-94 “Hearing Protectors.”

**Self Rescuer**

- 1.8.8** All persons going underground in a mine shall carry a self rescuer approved in accordance with NIOSH 42 CFR Part 84 on their person, or in the case of equipment operators maintained within arm’s reach while they are operating the equipment.
- 1.8.9** Notwithstanding section 1.1.4, standards identified in sections 1.8.3, 1.8.4, 1.8.5, 1.8.7, and 1.8.8, shall not be amended unless so directed by the chief inspector.



## Workplace Conditions

### General

- 1.9.1** The manager shall
- (1) take all reasonable and practicable measures to ensure that the workplace is free of potentially hazardous agents and conditions which could adversely affect the health, safety, or well-being of the workers,

### Controls

- (2) where practicable, institute controls at the source to ensure that workers are not exposed to a level of any physical, chemical, or radiation hazard in excess of the limits prescribed in the code or by an inspector, with the exception of unusual short term or emergency situations, and
- (3) require that persons wear effective personal protective equipment in any situation where control at the source, as required by section 1.9.1(2), is impractical.

## Health and Safety Reports

### Monthly Reporting

- 1.9.2** At the end of each month, the manager must provide
- (1) a report of all reported first aid cases to the OHSC and local union or worker representative, and
  - (2) a report of all reported medical aid cases to the Chief Inspector, the OHSC and local union or worker representative.

### Annual Reporting

- 1.9.3** By January 31 of each year, the manager shall forward to the chief inspector a report for the previous calendar year which includes
- (a) the total hours worked at the mine by all mine employees,
  - (b) the number of lost time injuries,
  - (c) the number of occasions where employees received medical aid,
  - (d) the number of days lost, and
  - (e) where required by an inspector a contractor shall provide the information required under 1.9.3(a) to (d).

## Employees' Right to Refuse Work

### Unsafe Work

- 1.10.1** A person shall not carry out any work or operate any equipment, tool, or appliance if the person has reasonable cause to believe that to do so would create an undue hazard to the health or safety of any person.

- 1.10.2** A supervisor shall not knowingly perform or permit a worker to perform work which is, or could create, an undue hazard to the health or safety of any person.

#### **Right to Refuse**

- 1.10.3** A person who refuses to carry out any work or operate any equipment, tool, or appliance, in compliance with section 1.10.1, shall immediately report the circumstances to the person's supervisor.

#### **Supervisor Investigates**

- 1.10.4** The supervisor receiving a report under section 1.10.3 shall investigate the matter and ensure that any hazardous condition is remedied without delay; or if, in the supervisor's opinion the report is not valid, the supervisor shall inform the person who made the report.

#### **Investigation**

- 1.10.5** If the procedure provided for in section 1.10.4 fails to resolve the issue and the person continues to refuse to carry out the work, the supervisor or other management representative shall forthwith make an investigation in the presence of the person who made the report, together with another person having knowledge of the work in question and who is
- (1) a worker representative or designate of the OHSC if available, or
  - (2) designated by the local union to represent the person refusing to carry out the work, or
  - (3) a co-worker selected by the person refusing to carry out the work.

#### **Use of Alternate Worker**

- 1.10.6** If the person still refuses to carry out the work after the person's supervisor and the other person in accordance with section 1.10.5, have investigated the issue and are both of the opinion that no undue hazard exists and that
- (1) the refusal is considered to be justifiable for reasons peculiar to that particular person, and
  - (2) there is no justification for an alternate person to refuse to carry out the work in question then, the supervisor, after informing the alternate person of the reason for the refusal, may have the alternate perform the work.

#### **Manager Investigates**

- 1.10.7** If the procedures in sections 1.10.4, 1.10.5 and 1.10.6 fail to resolve the issue, the manager shall
- (1) conduct an investigation and either develop a plan that is acceptable to the persons who will do the work and which will allow the work to proceed safely, or suspend further work, and

- (2) if the work is suspended or allowed to proceed, submit a report to the OHSC, local union, and an inspector, that describes the incident, shows compliance with the code and describes any remedial actions taken.

### **Training**

#### **Training**

- 1.11.1** The manager shall ensure that
  - (1) workers are adequately trained to do their job or are working under the guidance of someone who has competency both in the job and in giving instruction, and
  - (2) ensure that all employees receive thorough orientation and basic instruction in safe work practices.
- 1.11.2** The manager shall maintain a record of all training workers and supervisors have received, and make this record available to an inspector upon request.

### **Supervision**

#### **Open Pit**

- 1.12.1** (1) The manager shall ensure that every worker employed in the mining activity of an open pit mine is under the supervision of
  - (a) the holder of an open pit shiftboss certificate where more than 6 persons are employed, or
  - (b) in the case of an open pit mine employing 6 persons or fewer, the holder of a supervisor certificate unless a shiftboss certificate is required by the inspector.
- (2) If the manager is the supervisor, the manager must also hold a supervisor's certificate.

#### **Underground Non Coal**

- 1.12.2** (1) The manager shall ensure that every worker working underground in a mine, other than a coal mine, is under the supervision of the holder of an underground shiftboss certificate.

#### **Underground Coal Mine**

- 1.12.3** The manager of an underground coal mine shall ensure that
  - (1) every worker employed underground is under the supervision of the holder of an underground coal mine fireboss certificate, and
  - (2) where more than 50 workers per shift are employed underground, a supervisor holding a second class certificate of competency shall be appointed as mine captain/general foreperson and this person shall supervise all underground operations.

- 1.12.4** A certificate of competency of any class includes that of a lower class.
- 1.12.5** The manager of an underground coal mine, if required by the chief inspector, shall hold one of the following valid certificates of competency:
- (1) an underground coal mine fireboss if fewer than 10 persons are employed underground,
  - (2) a second class certification of competency if fewer than 30 but more than 9 persons per day are employed underground, and
  - (3) a first class certificate of competency if 30 or more persons per day are employed underground.

#### **Exploration Supervisor's Certificate**

- 1.12.6** (1) The manager of an exploration site shall ensure that every worker employed in exploration activities is under the supervision of the holder of a supervisor's certificate.
- (2) If the manager is a supervisor, the manager must also hold a supervisor's certificate.

#### **Other Work Areas**

- 1.12.7** (1) The manager shall ensure that every worker, other than those persons referred to in sections 1.12.1 (1), 1.12.2, 1.12.3 and 1.12.6, and other than office employees, is under the supervision of the holder of a supervisor's certificate.
- (2) If the Manager is a supervisor, the manager must also hold a supervisor's certificate.

#### **Risk of Drowning**

- 1.12.8** The manager must ensure that every worker working where drowning may be a risk is under the supervision of a qualified person carrying out the safe work plan as set out in section 3.3.3.

### **Certification Procedure**

#### **Board Grants Certification**

- 1.13.1** Examinations of applicants for underground shiftboss and fireboss certificates, open pit shiftboss certificates, and certificates of competency shall be carried out by a Board of Examiners, consisting of the chief inspector as chair and two other inspectors appointed by the chief inspector.
- 1.13.2** One member of the Board of Examiners shall hold first class certificates of competency when dealing with matters pertaining to the certification of candidates for underground coal mines.
- 1.13.3** The Board of Examiners shall issue a shiftboss, fireboss or competency certificate when satisfied that the applicant

- (1) is conversant with the English language,
  - (2) is the holder of a first aid certificate to a standard required by the chief inspector,
  - (3) has an adequate knowledge of the *Mines Act*, the regulations, and the code and of other information and material considered necessary by the Board of Examiners, including, but not limited to, mine safety, mine rescue, and blasting practices and procedures, and
  - (4) has had at least three years' relevant experience in and about the working of a mine, or has obtained a degree or diploma, approved by the Board of Examiners, in engineering from a university or technical institute and has had not less than one year of experience and such experience shall be acceptable to the Board.
- 1.13.4** Notwithstanding section 1.13.3, the Board of Examiners may grant a restricted shiftboss or fireboss certificate where the type of mine operation would not require the applicant to hold all of the qualifications included in section 1.13.3.
- 1.13.5** The Board of Examiners may grant a certificate to an applicant who holds a similar certificate granted by a jurisdiction outside the Province, if the Board of Examiners is satisfied that the standard of training and examination is equivalent to that required for the granting of a corresponding certificate under the code and, after oral examination of the applicant, that the applicant is sufficiently qualified.
- 1.13.6** Notwithstanding sections 1.13.3 and 1.13.4, the manager may issue on a one time basis a provisional shiftboss or fireboss certificate valid for no more than six months to an employee who has acceptable experience and training.

#### Validity of Certificates

- 1.13.7** A shiftboss or fireboss certificate or a certificate of competency issued under Part 1 of the code is conditional on the holder maintaining in force the other certificates required under section 1.13.3 (2), or as required by the Board of Examiners.
- 1.13.8** Repealed.

#### Suspension of Shiftboss, Fireboss or Competency Certificate

- 1.13.9** (1) A shiftboss or fireboss certificate or certificate of competency issued under this Part may be suspended by an inspector if the holder fails to comply with the Act, the regulations, or this code, or is by reason of incompetence or negligence, unfit to carry out their duties.
- (2) The inspector shall immediately inform the Board of Examiners of any suspension under subsection (1), and the Board may
- (a) conduct an investigation,

- (b) interview the holder of the certificate, and
- (c) vary the suspension or cancel the certificate
- (3) A person whose certificate is cancelled or suspended under this section may appeal the decision to the chief inspector.

**Supervisor Certification**

- 1.13.10** (1) The chief inspector shall issue a supervisor's certificate to an applicant who has passed an examination on the sections of the *Mines Act*, the regulations, and this code.
- (2) The certificate is valid for five years from date of issuance.

**Suspension of Supervisor's Certificate by Inspector**

- 1.13.11** (1) A supervisor's certificate issued under this Part may be suspended for a stated period of time by an inspector if the holder fails to comply with the Act, the regulations or this code, or is by the reason of incompetence or negligence unfit to carry out their duties.
- (2) The inspector shall inform the chief inspector immediately of any suspension under subsection (1), and the chief inspector may
- (a) conduct an investigation,
  - (b) interview the holder of the certificate, and
  - (c) vary the decision of the district inspector or cancel the certificate.

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## Workplace Contaminants

### Maximum Allowable Exposures

- 2.1.1 (1) The manager must ensure that no employee is exposed to airborne concentrations of a substance or noise in excess of the limit specified in
- Table 2-1 or 2-2, or
  - the publication by the American Conference of Governmental Industrial Hygienists entitled, “Threshold Limit Values for Chemical Substances and Physical Agents & Biological Exposure Indices”, as amended from time to time, if the substance or noise is not specified in Table 2-1 or Table 2-2.
- (2) In the case of Item 17, Diesel Particulate Matter, as Elemental Carbon, in Table 2-1, the manager does not have to comply with subsection (1) with respect to the Item until May 1, 2025.

### Shifts Longer Than 8 Hours

- 2.1.2 When shifts longer than 8 hours are being worked, the time-weighted average concentration of airborne contaminants shall be based on the “concentration equivalent” (Ceq) which is derived from the following formula:

$$Ceq = \frac{(8\text{-hour TWA}) \times 8}{\text{shift length in hours}}$$

### Monitoring Contaminants

- 2.1.3 (1) The manager shall establish a written program, in accordance with the chief inspector’s publication “Workplace Monitoring Procedures Manual” for a qualified person to monitor workplace contaminants as often as necessary to ensure compliance with section 2.1.1. The program shall specify the substances and locations to be monitored and the frequency of monitoring. The results of the program shall be available for examination by an inspector.
- (2) A record of the monitoring program shall be kept on file for the life of the mine and transferred to the chief inspector upon abandonment of the mine.

### Oxygen Content

- 2.1.4 Persons shall not work or remain in any part of a mine where they may be exposed to air with an oxygen content less than 19.5% by volume unless provided with an alternate air supply.

## Control of Workplace Hazards

### Workplace to Be Hazard Free

- 2.2.1 The manager shall develop and implement an effective housekeeping program to ensure that all workplaces and travelways are maintained in a safe condition, that materials and equipment are stored in a manner so as not to endanger persons, and that appropriate action is taken whenever necessary to maintain a hazard-free environment.
- 2.2.2 An inspector may require the manager to satisfy the inspector that it is not practicable to comply with section 1.9.1(2) with proper engineering controls, and the inspector shall communicate the inspector's decision to the OHSC.

## Hazardous Materials & Waste

### Asbestos Controls and Substitutes

- 2.3.1 The manager shall ensure that
- (1) as effective, less hazardous, asbestos-free substitutes become available and practical for such items as brake lining, insulation, and fire retardant materials, they shall be used,
  - (2) where there is no substitute available for an asbestos-containing material, a procedure acceptable to the chief inspector is developed to protect the health of persons using, maintaining, or exposed to such material,
  - (3) notwithstanding subsection (2), items containing crocidolite asbestos are not to be used at a mine,
  - (4) spraying of asbestos, or material containing more than 1% of asbestos, is prohibited, and
  - (5) protective clothing and equipment made of material containing asbestos is used in such a manner as to prevent the release of asbestos fibers.

### Disposal of Asbestos

- 2.3.2 Where any work involves the use, handling, or disposal of asbestos or materials containing asbestos, the manager shall ensure that the procedures outlined in the manual "Safework Practices for Handling Asbestos Revision 10 1996" published by the Board are followed, and that the inspector and the OHSC are notified of the procedures.

### Storage of Hazardous Materials

- 2.3.3 The manager shall ensure that all dangerous or potentially hazardous materials are stored in designated storage areas, acceptable to an inspector, which are well ventilated to prevent any accumulation of dangerous

fumes and so arranged that incompatible materials, which could produce a harmful reaction if combined, are adequately separated.

### Proper Containers

- 2.3.4 The manager shall ensure that all dangerous or potentially hazardous materials are stored in containers that are designed, constructed, and maintained in such a manner as to ensure proper containment of their contents under the environmental conditions in which they are stored.

### Hazardous Dust

- 2.3.5 In a building where dust or other material could by becoming airborne cause a hazard by restricting vision, or could cause a fire or explosion or be potentially hazardous if inhaled or ingested, it shall without delay be removed by suitable means such as vacuuming, wet sweeping, or wet shoveling, or be suppressed.

### Hazardous Waste

- 2.3.6 Waste materials which could be detrimental to a person's health, or could cause a fire or explosion, shall be
- (1) stored in impervious containers, labeled to clearly identify the contents and the nature of the hazard, and where the contents are flammable or capable of producing vapours or gases, the containers shall be covered and located in well-ventilated areas, and
  - (2) collected, handled, sorted, and disposed of by persons trained to safely handle the waste material and wearing any necessary protective clothing and equipment to safeguard their own and any other person's health and safety.

### Spills

- 2.3.7 Spills or releases of hazardous waste materials shall be cleaned up as soon as possible by persons trained to safely handle the waste material and wearing any necessary protective clothing and equipment to safeguard their health and safety.

### Flammable Waste Storage

- 2.3.8 Waste materials containing solvents, grease, paints, or other flammable substances shall be stored in appropriate covered containers while awaiting disposal.

### Radiation

- 2.3.9 The manager shall
- (1) ensure that equipment which emits harmful levels of infrared or ultraviolet radiation is shielded to protect employees from exposure to such radiation, and

- (2) supply personal protective equipment to any person who could become exposed to harmful radiation levels and the person shall wear the protective equipment.
- 2.3.10** Notwithstanding section 1.1.4 of the code, the manager shall ensure that employees are not exposed to non-ionizing radiation which exceeds the recommendations contained in the publication “*Safety Code 6, Recommended Safety Procedures for the Installation and Use of Radio Frequency and Microwave Devices in the Frequency Range of 10 MHz to 300 GHz*”, published by Health and Welfare, Canada.
- 2.3.11** (1) A worker shall not be exposed to ionizing radiation to a level greater than any of the following:
- (a) 4.0 Working Level Months (20 millisieverts) of radon decay products per year averaged over 5 years, and 10.0 Working Level Months (50 millisieverts) in a single year;
  - (b) 20 millisieverts (2 Rem) of gamma radiation per year averaged over 5 years, and 50 millisieverts (5 Rem) in a single year;
  - (c) a combination of radon decay products and gamma radiation totaling 20 millisieverts averaged over 5 years or 50 millisieverts in a single year.
- (2) Where there are indicators that uranium or thorium levels are in a grade of 0.05% by weight or greater, the mine manager shall conduct a survey using appropriate calibrated instruments to ensure that worker exposure rates do not exceed those stated in section 2.3.11 (1).
- (3) Where measurements indicate a worker is exposed to gamma radiation greater than 2.5 microsieverts per hour (0.25 millirem per hour) at 0.5 meters from the source, a gamma radiation dosimeter of a type acceptable to the chief inspector shall be provided to and worn by each worker who is exposed.
- (4) All radioactive materials shall be used, handled, stored, transported, and disposed of in accordance with the [Canadian Nuclear Safety Commission Regulations](#).
- (5) The manager shall develop and implement industrial hygiene standards, acceptable to the chief inspector, for use at uranium drill sites.
- (6) The manager shall implement the Province of British Columbia Radiation Guidelines for Mineral Exploration.

### **Spraying of Materials Containing Isocyanates**

- 2.3.12** Where paints, protective coatings, adhesives, or insulating materials containing isocyanate compounds or other compounds that have similar sensitizing effects are being applied, persons shall be protected from the airborne contaminants by

- (1) where practicable, performing the work in an isolated enclosure having sufficient exhaust ventilation to ensure that contaminated air is not released from the enclosure into areas where unprotected persons can enter, and
- (2) where methylene bisphenyl isocyanate is used, ensuring that a supplied-air respirator (SAR) approved by NIOSH or MSHA is worn by all exposed persons, in accordance with the following concentrations:
  - (i) up to 2 mg/m<sup>3</sup>: SAR or SCBA,
  - (ii) up to 5 mg/m<sup>3</sup>: SAR operated continuous flow, or SCBA,
  - (iii) up to 10 mg/m<sup>3</sup>: positive pressure, full-facepiece SAR,
  - (iv) up to 100 mg/m<sup>3</sup>: positive pressure, full-facepiece SCBA, and
  - (v) emergency or planned entry into unknown concentrations or immediately dangerous to life or health: positive pressure, full-facepiece SCBA, or positive pressure full-facepiece SAR with an auxiliary positive pressure SCBA.
- (3) A respirator type shall be selected in accordance with assigned protection factors as outlined in Table 2 of CSA Standard Z94.4-93

### Harmful Chemical Exposure

#### Emergency Wash Facilities

- 2.4.1** Where persons may be exposed to corrosive or other chemicals harmful to the eyes or skin, the manager shall ensure that eye wash equipment, emergency water baths or showers, or other suitable means are immediately available to effectively cleanse the affected body areas.
- (1) The emergency shower facility shall provide a tempered supply of potable water for a minimum of 15 minutes.
  - (2) In cases where it is not practical to install a permanent facility portable eye wash stations and/or portable emergency wash facilities may be installed as applicable.
  - (3) Provisions shall be taken to ensure that water supplies and eye wash isotonic fluids are protected from freezing and are adequately maintained.

#### Protection From Contaminants

- 2.4.2** (1) Where the nature of the work causes a person's clothing or skin to be contaminated with substances which could cause injury to, or endanger the health of, the person or contaminate other areas on or off the minesite, the manager shall provide
- (a) shower or wash facilities to enable employees to effectively remove all contaminants, and

- (b) separate storage areas for street and work clothing to prevent contamination of the street clothing.
- (2) Where contaminated clothing is not to be removed from the minesite, the manager shall provide
  - (a) a means for cleaning the contaminated clothing, or
  - (b) suitable protective clothing.
- (3) A person exposed to contaminants shall
  - (a) cleanse any affected skin areas as soon as practicable,
  - (b) not consume or handle food or tobacco products until the person's hands and face are free of contamination,
  - (c) ensure that the person removes contaminated clothing and disposes of it, and
  - (d) not leave the mine at the end of the person's shift until all affected areas of the person's skin have been cleansed of contamination.

### **Abrasive Blasting**

#### **No Silica or Lead**

- 2.5.1 Abrasive blasting material containing 1%, or more, free silica or lead shall not be used.
- 2.5.2 All abrasive blasting and similar operations, when carried out within a building, shall be conducted in an isolated enclosure to prevent injury to persons. The enclosures shall have sufficient exhaust ventilation to ensure that a continuous inward flow of air is maintained at all openings in the enclosure during the blasting operation.
- 2.5.3 All abrasive blasting and similar operations, when carried out outside a building, shall be conducted in a place and manner to prevent injury to persons.

#### **Protective Equipment**

- 2.5.4 (1) Where an abrasive blasting operation is being carried out, the manager shall supply and employees shall wear air-supplied hoods or respirators suitable for the work, together with gloves, leggings, and clothing designed to protect the employees from dust, and projected abrasive or other material.
- (2) Air supplied to the hood or respirator shall meet the requirements of CSA Standard CAN3-Z180.1-M85 "Compressed Breathing Air and Systems," as updated from time to time, and the volume of air supplied shall be sufficient for respiration and to prevent the entry of contaminants into the hood or respirator, and shall not be less than 105 L per minute at the mask.

**Nozzles and Valves**

- 2.5.5 (1) Blast cleaning nozzles shall be equipped with an operating valve which must be held open manually, and the normal operation of this valve shall not be defeated. A support shall be provided on which the nozzle can be secured when not in use.
- (2) In addition to the operating valve required by subsection (1), another operating control shall be readily accessible to the operator to enable the flow of abrasive to be stopped immediately.

**Workers to be Removed**

- 2.5.6 Where an abrasive blasting or a similar operation releases harmful substances to the atmosphere, persons who are not required to assist in the operation shall be removed from contaminated areas. Where such removal is not practical, the exposed persons shall be advised of the hazard and supplied with suitable personal protective equipment which they shall wear.

**Noise****Mufflers Required**

- 2.6.1 Any machinery or equipment which, when operating, exposes the operator or persons in the vicinity to noise levels in excess of those prescribed in Table 2-2, Part 2, for unprotected ears, shall, if practicable, be fitted with a properly maintained muffler or other noise reducing device.

**Use of Lasers****Laser Standard**

- 2.7.1 Where laser emitting devices are used, they shall be classified and used in accordance with the procedures outlined in ANSI Z136.1 - 1993 – “American National Standard for the Safe Use of Lasers”.

**Protection Required**

- 2.7.2 Warning signs shall be posted and properly constructed screens or enclosures used wherever there could be a danger to any person from an inadvertent exposure to a laser beam.

**Illumination****Lighting Standards**

- 2.8.1 The manager shall ensure that at all working places, suitable and adequate illumination is provided meeting the standards set out in the ANSI/IES Standard RP-7- 1991: “American National Standard Practice for Industrial Lighting”, as updated from time to time, unless otherwise authorized by the code.

**Surface Illumination**

- 2.8.2** The manager shall ensure that there is a separate and independent emergency source of illumination at all places where a hazard could be caused by a failure of the normal lighting system, and the emergency lighting system shall
- (1) where it is a part of a permanent installation, turn on automatically when the normal lighting fails,
  - (2) provide adequate illumination to allow employees to initiate emergency shutdown procedures and leave their work areas safely, and
  - (3) be tested as frequently as necessary to ensure that it will function when required.

**Underground Illumination**

- 2.8.3** The manager shall have suitable permanent lighting installed in an underground mine to provide adequate illumination in the following locations
- (1) all workshops, service garages, and other places where moving machinery or equipment could be a hazard,
  - (2) main shaft stations and active shaft landings,
  - (3) first aid stations, and
  - (4) conveyor galleries, drives, and transfer stations.

**Cap Lamps to be Provided**

- 2.8.4** The manager shall provide every person entering an underground mine with an approved cap lamp and the person shall keep the lamp in the person's possession while the person is underground.

**Cap Lamps Specifications**

- 2.8.5** All cap lamps, shall be capable of providing a peak luminance of at least 1500 lux at 1.2 m from the light source, throughout a working shift.
- 2.8.6** The manager of an underground mine shall develop a procedure for assessing and maintaining cap lamps and a copy of the procedure and the results of the assessment shall be made available to an inspector.

**Auxiliary Lighting**

- 2.8.7** Where a person has to assess ground conditions in an underground mine at a distance greater than the effective range of a cap lamp, the manager shall supply, and the person shall use, auxiliary lighting adequate for safely carrying out the assessment.



### **Musculoskeletal Disorders**

- 2.9.1** Where the equipment, work procedure, or working condition in a work area has caused injurious inflammation of muscles, tendons, or bursae of the upper limbs of the persons doing the work, and it is demonstrated to be from repetitive or forceful use, the chief inspector shall, where practicable, require implementation of one or more of the following preventive measures
- (1) modification of work procedures or equipment to reduce physical demands on affected body areas, or
  - (2) a rescheduling of work to permit safe adjustment to unaccustomed task requirements.

### **Thermal Environment**

#### **Heat or Cold Stress**

- 2.10.1** Where it is not reasonably practical to control thermal conditions, and the nature of the work can cause distress or illness to a person, the manager shall institute a program to
- (1) instruct employees in the possible adverse effects of their working environment,
  - (2) instruct employees how to recognize symptoms of heat or cold stress and what emergency treatment should be applied, and
  - (3) monitor thermal conditions to identify when persons could be adversely affected by heat and cold stress, and if protective measures are required to adequately protect persons, the manager shall advise an inspector of the measures taken.

### **Lunchrooms & Sanitary Conveniences**

- 2.11.1** The manager shall provide a source of cool, potable drinking water complying with the Safe Drinking Water Guidelines of the Ministry of Health in locations that
- (1) are reasonably accessible to employees,
  - (2) are kept clean and in a sanitary condition, and
  - (3) are designed to permit the water to be dispensed and drunk in a sanitary manner.

#### **Use of Solder**

- 2.11.2** New installations of pipes and vessels, and changes to existing pipes and vessels which carry water to be used in whole or in part by persons for drinking purposes, shall not be constructed using solder containing more than 1% lead.

**Lunchrooms**

- 2.11.3** Where 7 or more persons regularly congregate to eat food, other than where the mining activity of an open pit mine is performed, a lunchroom shall be provided which shall:
- (1) be heated, lighted, and ventilated,
  - (2) have or be located near facilities for persons to wash with cold and hot running water and dry their hands,
  - (3) not have an entrance through a toilet facility,
  - (4) contain sufficient fire retardant receptacles with lids, which shall be used by employees to dispose of all waste food, paper, and other related material, and the containers shall be emptied regularly,
  - (5) have suitable seating facilities equipped with backrests and tables with impervious top surfaces which shall be kept in clean and sanitary condition,
  - (6) be constructed of materials which can be, and shall be, maintained in a clean condition,
  - (7) have the following minimum dimensions
 

| <b>No. of Persons</b> | <b>sq. m/Person</b>      |
|-----------------------|--------------------------|
| 25 or less            | 1.2 (min. size 6 sq. m.) |
| 26 to 74              | 1                        |
| 75 to 149             | 0.66                     |
| 150 to 499            | 0.56                     |
| 500 or more           | 0.46                     |
  - (8) be located in an area away from process chemicals and contaminants.
- 2.11.4** Where more than 3 persons and fewer than 7 persons regularly congregate to eat food, other than where the mining activity at an open pit mine is performed, an eating area shall be provided which complies with 2.11.3. (1), (4), (5), (6), (7), and (8), and provided with facilities for persons to clean their hands.

**Mine Dry**

- 2.11.5**
- (1) The manager shall provide separate facilities for male and female employees to wash and shower, and to change and dry their clothing
    - (a) at a surface mine where persons are subject to dusty, dirty, or wet conditions, and
    - (b) at an underground mine, and this facility shall include separate storage facilities for street clothes and working clothes.
  - (2) The facilities shall have separate approaches with signs clearly indicating for which gender they have been provided.

**Location of Mine Dry**

- 2.11.6** A mine dry shall not be located
- (1) in a headframe, boiler room, engine room, bunkhouse, or dining room unless a separate, properly constructed room is provided, or
  - (2) nearer than 15 m to a shaft house or portal house unless it is constructed of non-combustible materials.
- 2.11.7** The mine dry shall be adequately heated, lighted and ventilated, kept clean and sanitary, and have one shower for every 7 persons leaving work at the same time.

**Temperature of Washing Water**

- 2.11.8** Water that is to be used for personal washing shall not exceed 60 degrees Celsius at any outlet, and shall not be mixed directly with steam.

**Washroom Facilities**

- 2.11.9**
- (1) The manager must provide separate washroom facilities for male and female employees.
  - (2) The washroom facilities must be conveniently located and equipped with
    - (a) subject to subsection (3),
      - (i) one toilet and one urinal for every 25 male employees or fraction thereof, and
      - (ii) one toilet for every 9 female employees or fraction thereof,
    - (b) one wash basin, or equivalent facility, provided with hot and cold running water for every 15 employees or fraction thereof,
    - (c) a means for drying hands hygienically, and
    - (d) adequate heat, light, and ventilation.
  - (3) Despite subsection (1), for a mine that has 6 employees or less,
    - (a) the manager must provide at least one universal washroom facility, and
    - (b) if the manager provides additional washroom facilities, some or all of them may be universal washroom facilities.
  - (4) The washroom facilities must have separate entrances with signs clearly indicating for which gender they have been provided or indicating that they are a universal washroom facility.
  - (5) With respect to new mines or substantial renovations to the permanent washroom area of an existing mine on and after May 1, 2023, in addition to the washroom facilities referred to in subsection (1), for a mine that has more than 6 employees, the manager must provide at least one universal washroom facility.
- 2.11.10** Repealed.

- 2.11.11** For the purposes of section 2.11.9 (2)
- (1) each 600 mm of straight through urinal may be counted as one urinal, and
  - (2) each 500 mm of circumference of a circular wash fountain or length of a straight trough wash basin may be counted as one wash basin.

### Toilets

- 2.11.12** A toilet on the surface of a mine shall be
- (1) of the water flushing type or other sanitary design, located in an individual compartment with a door that locks, and with walls and floor of a finish or material that can be easily cleaned,
  - (2) fitted with an open-front seat and provided with a reasonable supply of toilet paper,
  - (3) provided with a clothes hook and lighting where electricity is available, and
  - (4) kept clean and sanitary, and any waste products shall be disposed of regularly.

### Toilets Underground or Portable on Surface

- 2.11.13** Toilets in an underground mine and portable toilets on surface shall be conveniently located in well ventilated areas having regard to the number of employees in the various parts of the mine, and
- (1) they shall be supplied with toilet paper and provide privacy,
  - (2) be maintained in a hygienic condition and have all waste material removed regularly, and
  - (3) be equipped with facilities for persons to clean their hands.
- 2.11.14** No person shall deposit feces in any place in an underground mine other than a toilet.

### Seasonal Camps

- 2.11.15** Sanitary conveniences at seasonal, short-term mining camps shall comply with the [Industrial Camps Regulation](#) under the *Public Health Act*.

## Medical Surveillance Programs

### Program Requirements

- 2.12.1** (1) The manager shall notify the chief inspector when the manager believes there is a need for a medical surveillance program, for persons
- (a) in a dust exposure occupation,
  - (b) exposed to excessive noise, or
  - (c) exposed to any chemical, physical, or radiation agent specified by the chief inspector.

- (2) A medical surveillance program, when required by the chief inspector, shall be modeled after the “Guidelines for Standard Practice for Medical Monitoring Programs” issued by the chief inspector and shall be of a form satisfactory to the chief inspector.

### **Audiometric Testing**

- 2.12.2** Audiometric testing shall be carried out by a certified audiometric technician.
- 2.12.3**
  - (1) The manager shall advise persons working in a dust, excessive noise, chemical, physical, or radiation exposure occupation, of the nature of the health risks and that a medical surveillance program is available, and the person, at the person’s option, may choose to participate in the program.
  - (2) A person participating in the medical surveillance program may attend the doctor of the person’s choice to undergo the examinations and tests required by 2.12.1 (2).

### **Medical Advice**

- 2.12.4** A medical surveillance program, required by section 2.12.1, shall ensure that
  - (1) Each person examined or clinically tested is
    - (a) aware of the nature of the health risks and effects for which the person is being examined,
    - (b) advised on the person’s medical fitness to work,
    - (c) advised of any work restriction resulting from the person’s medical condition,
    - (d) instructed in health precautions required, and
    - (e) provided with a copy of the results of the medical examination.
  - (2) A hearing conservation program is developed and followed.

### **Maintenance of Records**

- 2.12.5**
  - (1) Personal medical records shall be maintained on a confidential basis by the physician or nurse, and shall not be made available to the manager or any other person, except as required by statute, without the informed written consent of the individual.
  - (2) Audiometric information shall be made available to the chief inspector.

### **Chemical Analysis**

- 2.12.6** Whenever a chemical analysis is required for biological monitoring it shall be carried out at a laboratory acceptable to the chief inspector.

**Programs at Owner's or Agent's Expense**

- 2.12.7 All medical examinations and tests performed on a person during a medical surveillance program, shall be done at the owner's or agent's expense and the expense shall not be passed on to that person.

**Workplace Hazardous Materials Information Systems (WHMIS)****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 the person's 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 the person's 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.



Table 2-1

| Item | Substance [CAS #]  | TLV-TWA  | TLV-STEL   | Notation   |
|------|--|--|------------|--|
| 1    | Acetone [67-64-1]  | 750 ppm  | 1,000 ppm  | –  |
| 2    | Aluminum metal [7429-90-5] and insoluble compounds   | 1 mg/m <sup>3</sup> (R)                                | –          | –  |
| 3    | Ammonia [7664-41-7]  | 25 ppm   | 35 ppm     | –  |
| 4    | Antimony [7440-36-0] and compounds, as Sb  | 0.5 mg/m <sup>3</sup>                                  | –          | –  |
| 5    | Arsenic [7440-38-2] and inorganic compounds, as As   | 0.01 mg/m <sup>3</sup>                                 | –          | A1, 1  |
| 6    | Asbestos [1332-21-4], all forms  | 0.1 fibre/cc (F)                                       | –          | A1, 1  |
| 7    | Beryllium [7440-41-7], soluble and insoluble compounds, as Be  | 0.002 mg/m <sup>3</sup>                                | –          | A1, 1, Skin, DSEN (soluble); A1, 1, RSEN (soluble and insoluble) |
| 8    | Cadmium [7440-43-9] and compounds, as Cd   | 0.002 mg/m <sup>3</sup> (R),<br>0.01 mg/m <sup>3</sup> | –          | A2, 1  |
| 9    | Carbon dioxide [124-38-9]  | 5,000 ppm  | 30,000 ppm | –  |
| 10   | Carbon disulphide [75-15-0]  | 1 ppm  | –          | Skin   |
| 11   | Carbon monoxide [630-08-0]   | 25 ppm   | –          | Repro  |
| 12   | Chlorine [7782-50-5]   | 0.5 ppm  | 1 ppm      | –  |
| 13   | Chromium [7440-47-3] and inorganic compounds<br>Trivalent chromium compounds, as Cr(III),<br>Water-soluble compounds | 0.5 mg/m <sup>3</sup>                                  | –          | DSEN, RSEN   |
|      | Hexavalent chromium compounds, as Cr(VI)<br>Water-soluble compounds  | 0.025 mg/m <sup>3</sup>                                | –          | A1, 1, Skin, DSEN, RSEN  |
|      | Insoluble compounds  | 0.01 mg/m <sup>3</sup>                                 | –          | A1, 1, DSEN, RSEN  |
| 14   | Coal Dust<br>Anthracite [8029-10-5]  | 0.4 mg/m <sup>3</sup> (G), (R)                         | –          | –  |
|      | Bituminous or Lignite [308062-82-0]  | 0.9 mg/m <sup>3</sup> (G), (R)                         | –          | –  |

| Item | Substance [CAS #]   | TLV-TWA  | TLV-STEL  | Notation   |
|------|---|--|-----------|--|
| 15   | Cobalt [7440-48-4] and inorganic compounds, as Co                                   | 0.02 mg/m <sup>3</sup>   | –         | 2B, DSEN, RSEN   |
| 16   | Copper [7440-50-8]<br>Fume, as Cu<br>Dusts, and mists, as Cu                        | 0.2 mg/m <sup>3</sup><br>1 mg/m <sup>3</sup>                                   | –<br>–    | –<br>–   |
| 17   | Diesel Particulate Matter,<br>as Elemental Carbon                                   | 0.1 mg/m <sup>3</sup>  | –         | 1  |
| 18   | Formaldehyde [50-00-0]  | 0.1 ppm  | 0.3 ppm   | A1, 1, DSEN, RSEN  |
| 19   | Hydrogen chloride [7647-01-0]   | –  | C 5 ppm   | –  |
| 20   | Hydrogen cyanide [74-90-8]  | –  | C 10 ppm  | Skin   |
| 21   | Hydrogen sulphide [7783-06-4]   | 10 ppm   | 15 ppm    | –  |
| 22   | Iron oxide dust and fume (Fe <sub>2</sub> O <sub>3</sub> )<br>[1309-37-1], as Fe    | 5 mg/m <sup>3</sup>  | –         | –  |
| 23   | Lead [7439-92-1] and inorganic compounds, as Pb                                     | 0.05 mg/m <sup>3</sup>   | –         | 2B, Repro (Elemental);<br>2A, Repro (Inorganic)              |
| 24   | Manganese [7439-96-5], elemental and inorganic compounds, as Mn                     | 0.02 mg/m <sup>3</sup> (R),<br>0.1 mg/m <sup>3</sup> (I)                       | –         | Repro  |
| 25   | Molybdenum [7439-98-7], as Mo<br>Soluble compounds<br>Metal and insoluble compounds | 0.5 mg/m <sup>3</sup> (R)<br>10 mg/m <sup>3</sup> (I), 3 mg/m <sup>3</sup> (R) | –<br>–    | –<br>–   |
| 26   | Methane [74-82-8]   | (D)  | –         | –  |
| 27   | Methylene bisphenyl isocyanate (MDI)<br>[101-68-8]                                  | 0.005 ppm  | –         | Skin, RSEN   |
| 28   | Nickel [7440-02-0], Elemental and soluble inorganic compounds, as Ni                | 0.05 mg/m <sup>3</sup>   | –         | 1 (Ni compounds),<br>2B (elemental and alloys containing Ni) |
| 29   | Nickel [7440-02-0], Insoluble inorganic compounds, as Ni                            | 0.05 mg/m <sup>3</sup>   | –         | A1, 1  |
| 30   | Nitric acid [7697-37-2]   | 2 ppm  | 4 ppm     | –  |
| 31   | Nitric oxide [10102-43-9]   | 25 ppm   | –         | –  |
| 32   | Nitrogen dioxide [10102-44-0]   | 1 ppm  | –         | –  |
| 33   | Nitrous oxide [10024-97-2]  | 50 ppm   | –         | Repro  |
| 34   | Ozone [10028-15-6]  | –  | C 0.1 ppm | –  |

| Item | Substance [CAS #]   | TLV-TWA  | TLV-STEL                  | Notation       |
|------|---|--|---------------------------|----------------|
| 35   | Silica – Amorphous  |  |                           |                |
|      | Diatomaceous earth (uncalcined)<br>[61790-53-2]               | 10 mg/m <sup>3</sup> (E)                                 | –                         | –              |
|      | Precipitated silica [112926-00-8]                             | 10 mg/m <sup>3</sup> (E)                                 | –                         | –              |
|      | Silica gel  | 10 mg/m <sup>3</sup> (E)                                 | –                         | –              |
|      | Silica, fume [69012-64-2]                                     | 2 mg/m <sup>3</sup> (R)                                  | –                         | –              |
| 36   | Silica – Crystalline  |  |                           |                |
|      | Cristobalite [14464-46-1]<br>α-Quartz [14808-60-7; 1317-95-9] | 0.05 mg/m <sup>3</sup> (R)<br>0.05 mg/m <sup>3</sup> (R) | –<br>–                    | A2, 1<br>A2, 1 |
| 37   | Sulphur dioxide [7446-09-5]                                   | 2 ppm  | 5 ppm                     | -              |
| 38   | Sulphuric acid [7664-93-9]                                    | 1 mg/m <sup>3</sup>                                      | 3 mg/m <sup>3</sup>       | A2, 1          |
| 39   | Toluene [108-88-3]  | 100 ppm  | 150 ppm                   | Repro          |
| 40   | Vanadium pentoxide [1314-62-1], as V                          | 0.05 mg/m <sup>3</sup> (I)                               |                           | 2B             |
| 41   | Wood dust   |  |                           |                |
|      | Certain hard woods as beech and oak<br>Soft wood              | 1 mg/m <sup>3</sup><br>5 mg/m <sup>3</sup>               | –<br>10 mg/m <sup>3</sup> | A1, A2, 1<br>1 |
| 42   | Zinc oxide [1314-13-2]  | 2 mg/m <sup>3</sup> (R)                                  | -                         | –              |

### Footnotes for Table 2-1

Units: Exposure limits are reported in ppm, mg/m<sup>3</sup> or fibre/cc. In general, contaminants present in air in a vapour or gaseous state are reported in parts per million (ppm).

Contaminants present in air as an aerosol (dust, fume, mist) are typically reported in milligrams per cubic meter (mg/m<sup>3</sup>). For information on unit conversions between ppm and mg/m<sup>3</sup>, consult the publication by the American Conference of Governmental Industrial Hygienists (“ACGIH”) entitled, “Threshold Limit Values for Chemical Substances and Physical Agents & Biological Exposure Indices” (“TLVs & BEIs”).

ppm means parts of vapour or gas per million parts of contaminated air volume at 25 degrees Celsius and 760 torr.

fibre/cc means fibre per cubic centimeter.

mg/m<sup>3</sup> means milligrams of substance per cubic meter of air.

CAS # means Chemical Abstract Series number.

C means ceiling limit (TLV C).

- (D) Simple asphyxiant; for more information consult the ACGIH publication, TLVs and BEIs, as amended from time to time, on this topic.
- (E) The value is for particulate matter containing no asbestos and < 1% crystalline silica.
- (F) Respirable fibres longer than 5 µm and with an aspect ratio equal to or greater than 3:1, as determined by the membrane filter method at 400 – 450 × magnification (4 mm objective), using phase contrast illumination.
- (G) The value is for particulate matter containing <5% free silica.
- (I) These threshold limit values are for the inhalable fraction of particulate matter for the

substance listed. The mass concentration of inhalable particulate matter for the application of this limit is to be determined in accordance with the parameters established in the ACGIH publication, TLVs & BEIs, as amended from time to time.

- (R) These threshold limit values are for the respirable fraction of particulate matter for the substance listed. The mass concentration of respirable particulate matter for the application of this limit is to be determined in accordance with the parameters established in the ACGIH publication, TLVs & BEIs, as amended from time to time.

DSEN means that the substance has been identified by the ACGIH as having specific evidence of the potential to produce sensitization by the dermal route.

RSEN means that the substance has been identified by the ACGIH as having specific evidence of the potential to produce sensitization by the respiratory route.

Repro means that the substance has been identified by the ACGIH as a reproductive toxin.

Skin means that the ACGIH has identified that there is potential significant contribution to the overall exposure by this route, including mucous membranes and the eyes, by contact with vapours, liquids, and solids.

#### Notations column:

ACGIH notations A1 and A2 and International Agency for Research on Cancer (“IARC”) notations 1, 2A and 2B indicate substances designated as carcinogens. The different categories used by the two organizations indicate different levels of certainty of carcinogenic effect, e.g. from confirmed carcinogen to probable or possible. For additional information on the background and rationale for the different categories of carcinogens, refer to the ACGIH publication, TLVs & BEIs, as amended from time to time, ACGIH publication, “Supplement to the Documentation of the Threshold Limit Values and Biological Exposure Indices”, as amended from time to time, and the IARC publication, “Overall Evaluations of Carcinogenicity to Humans”, as amended from time to time. Both agencies provide information on their web sites.

| ACGIH Carcinogen designation:  | IARC Carcinogen classification:     |
|--------------------------------|-------------------------------------|
| A1 Confirmed Human Carcinogen. | 1 Carcinogenic to humans.           |
| A2 Suspected Human Carcinogen. | 2A Probably carcinogenic to humans. |
|                                | 2B Possibly carcinogenic to humans. |

**Table 2-2**

Maximum permissible noise exposure for unprotected ears on a daily basis:

Lex = 85 dBA average for 8 hours, or equivalent, including peak impulse noise except

- no exposure to steady state noise over 109 dBA, and
- no exposure to peak impulse noise over 140 dBC,

where;

- “Lex” is the equivalent of 85 dBA for 8 hours (see examples below).
- “Steady state noise” means noise in which variations of peak pressure levels are one second or less, and
- “Peak Impulse” means noise in which variations of peak pressure levels are greater than one second apart.

Examples of equivalent levels to 85 dBA for 8 hours:

| Length of Exposure | Average Noise Level |
|--------------------|---------------------|
| 16 hours           | 82 dBA              |
| 12 hours           | 83 dBA              |
| 10 hours           | 84 dBA              |
| 8 hours            | 85 dBA              |
| 4 hours            | 88 dBA              |
| 2 hours            | 91 dBA              |
| 1 hours            | 94 dBA              |
| 1/2 hours          | 97 dBA              |
| 1/4 hours          | 100 dBA             |

**Table 2-3**

| Maximum Equivalent Noise Level, dBA | Required Rating of Hearing Protector   |   |
|-------------------------------------|--|---|
|                                     | Class A, B or C †                      | NRR ‡                                     |
| Leq less than 85 dBA                | None required                          | None required                             |
| Leq up to 89 dBA                    | Class C                                | up to 16                                  |
| Leq up to 95 dBA                    | Class B                                | at least 17                               |
| Leq up to 105 dBA                   | Class A                                | at least 24                               |
| Leq up to 110 dBA                   | Class A plug plus<br>Class A or B muff | At least 24 plug plus<br>At least 17 muff |
| Leq more than 110 dBA               | As above,<br>with limited exposure     | As above,<br>with limited exposure        |

† Canadian Standards Association standard Z94.2-94.

‡ Noise Reduction Rating (NRR) subject to Canadian Standards Association standard Z94.2-94 frequency requirements.



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## PERSONNEL SAFETY

### Impairment and Conduct

#### Impaired Persons

- 3.1.1** No person shall enter, remain, or be knowingly permitted to enter or remain in any mine if, in the opinion of management, the person's ability is so impaired as to endanger the person's health or safety, or that of another person.

#### Drugs and Liquor

- 3.1.2** (1) No person shall possess intoxicating liquor, cannabis or illegal drugs in or about a mine.
- (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.

#### Improper Conduct

- 3.1.3** No person shall engage in any improper or foolhardy behavior such as horseplay, scuffling, fighting, playing practical jokes, or other conduct that might create or constitute a hazard to the person or any other person.

#### Tampering with Safety Devices and Equipment

- 3.1.4** No person shall, without cause, render ineffective any device, equipment, or material provided for the protection of the health and safety of persons employed in, on or about a mine, or the safety of the public.

### General Safety Rules

#### Age

- 3.2.1** The manager shall not employ any person under the age of 18 years at a mine except for the purpose of training that person.

#### Tallying

- 3.2.2** (1) The manager shall implement an effective system to account for all persons on the mining property.
- (2) A written copy of the system implemented, in accordance with 3.2.2(1) shall be made available to an inspector on request.

#### Working Alone

- 3.2.3** When a worker is working alone and may not be able to secure assistance in the event of an injury or other misfortune, the manager shall ensure that a means exists for checking the well-being of the worker and that the interval between checks does not exceed 2.5 hours.

**Transportation of Persons**

- 3.2.4 (1) No person shall be transported in the box of a pickup truck, and no person shall ride in a standing position.
- (2) No person shall board or leave any vehicle while that vehicle is in motion.

**Working Conditions****Hazardous Work**

- 3.3.1 The manager or a person authorized by the manager shall personally supervise all work involved in correcting an unusual hazard and such work shall be carried out in accordance with safe working practices and in compliance with this code, and a plan approved by the manager.

**Falling Objects**

- 3.3.2 No persons shall be allowed in any location at a mine where persons are working overhead unless adequate protection is provided for their safety.

**Drowning Hazard**

- 3.3.3 (1) The manager must ensure that a safe work plan is developed by a qualified person, in consultation with the Occupational Health and Safety Committee and appropriate workers, and implemented before any work begins where drowning may be a risk.
- (2) The safe work plan must include the following:
- (a) identification of all relevant hazards;
  - (b) an evaluation of the risk level created by each hazard identified in paragraph (a);
  - (c) identification of all controls that, when implemented, are intended to mitigate the hazards referred to in paragraph (a);
  - (d) a requirement to have a spotter if identified as a control under paragraph (c);
  - (e) identification of safety equipment and safety devices relevant to each task to be performed;
  - (f) subject to subsections (3) and (4), requirements for the use, storage, maintenance and inspection of the safety equipment and safety devices referred to in paragraph (e);
  - (g) emergency procedures;
  - (h) a rescue plan, including a means for orientation, such as a light or beacon, to identify safe egress when work is done at night.
- (3) The manager must provide the following personal protective equipment and safety devices to workers working where drowning may be a risk:
- (a) personal floatation devices, accepted by Transport Canada, that do not create an increased risk when worn, as identified in the safe work plan;

- (b) lifebuoys, accepted by Transport Canada, that are
  - (i) equipped with heaving lines of adequate length, and
  - (ii) placed at conspicuous locations;
- (c) with respect to workers in or on mobile equipment, or non-self-propelled barges or dredges, which have a cab, the following items that must be accessible and secured in the cab for the purpose of emergency egress:
  - (i) a glass-breaking tool;
  - (ii) a seatbelt cutter;
  - (iii) an alternate source of air;
  - (iv) a whistle.
- (4) The manager must ensure that safety equipment and safety devices, identified in the safe work plan or subsection (3), are
  - (a) readily available in safe operating condition, and
  - (b) regularly inspected and maintained.
- (5) The manager must ensure that all workers working where there is a risk of drowning are trained for the work they are performing.

### **Moving Machinery and Electrical Contact**

- 3.3.4** Where there is a risk of a worker coming into contact with moving parts of machinery or with electrically energized equipment, or where the work process is such that a similar hazard exists
- (1) the clothing of the workers shall fit closely about the body,
  - (2) dangling neckwear, bracelets, wrist-watches, rings, or similar articles shall not be worn,
  - (3) the wearing of medic-alert bracelets is permitted when such bracelets are used with transparent rubber band that fit snugly over the bracelets, and
  - (4) cranial and facial hair shall be confined, or worn at a length which will prevent it from being snagged or caught in the work process.

### **Materials Handling**

- 3.3.5** Where a materials handling task endangers the safety of the persons doing the work, the manager shall ensure that
- (1) the physical parameters of the handling task are redesigned, or
  - (2) mechanical lifting aids or personal protective equipment is provided, or
  - (3) the work area where the work is carried out is redesigned to eliminate unsafe conditions relating to floor surfaces, lighting, or obstruction to materials handling, or
  - (4) a combination of (1), (2), or (3) is implemented.

## 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.

## Hazardous Atmosphere – Confined Space

### Work in Confined Spaces

- 3.4.1 The mine manager shall ensure that
- (a) written procedures are developed and implemented for work in confined spaces in consultation with the OHSC or worker representative, as applicable,
  - (b) an inventory of all confined spaces is maintained,
  - (c) each confined space is signed and secured from entry, where practicable, and
  - (d) each person who is assigned duties or responsibilities related to entry into a confined space is adequately instructed and trained in confined space entry.

### Safe Work Procedures to Include

- 3.4.2 The procedures required under section 3.4.1 shall include all of the following:

- (a) assignment of responsibilities, including those of the stand-by person;
- (b) a hazard assessment;
- (c) the issuance of suitable entry permits identifying
  - (i) the supervisor of record,
  - (ii) the confined space and the work activities
  - (iii) to which it applies,
  - (iv) the workers who are inside the space,
  - (v) the required precautions for the space,
  - (vi) the time of expiration of the permit, and
  - (vii) the gas readings results and conditions found in the confined space;
- (d) the use of lifelines and harnesses designed for the purpose for which it is intended and that meet the following standards:
  - (i) CAN/CSA-Z259.1-05 Body Belts and Saddles for Work;
  - (ii) CAN/CSA-Z259.2.1-98 (R2004) Fall Arrest Vertical Lifeline and Rails;
  - (iii) CAN/CSA-Z259.2.2-98 (R2004) Self Retracting Device for Personal Fall Arrest Systems;
  - (iv) CAN/CSA-Z259.2.3-79 Descent Control Devices;
  - (v) CAN/CSA-Z259.20-06 Full Body Harnesses;
  - (vi) CAN/CSA-Z259.11-05 Energy Absorbers and Lanyards;
  - (vii) CAN/CSA-Z259.12-06 Connecting Components for Personal Fall Arrest Systems ;
  - (viii) CAN/CSA-Z259.13-04 Flexible Horizontal Lifeline Systems;
  - (ix) CAN/CSA-Z259.16-04 Design of Active Fall Protection Systems;
- (e) when lifelines and harnesses cannot be used, sufficient resources with respiratory equipment capable of performing a rescue shall be stationed outside the confined space;
- (f) maintenance of an effective means of communication between persons inside and outside the confined space, and between the person outside the confined space and emergency services;
- (g) specified time intervals for making visual contact with persons inside the confined space;
- (h) specific procedures to be followed whenever welding or burning operations are to be carried out in the confined space;
- (i) appropriate breathing apparatus and persons trained in its use and readily available at every confined space in which persons are working,
- (j) compressed air used for breathing complying with the requirements of CSA Standard CAN-3-Z1 80.1M85 Series;

- (k) lockout, disconnection, blanking or blinding of pipes carrying substances that could be hazardous to the persons entering the confined space in accordance with section 4.11; blanking and blinding shall comply with engineering standards acceptable to the chief inspector;
  - (l) an Emergency Response Plan and, for facilities without onsite rescue capability, the owner, agent or manager shall make arrangements with an emergency response agency, such as a fire department, detailing the services that are to be provided.
- (2) A cylinder of compressed gas is not permitted inside a confined space except for a cylinder of compressed air supplied to a respirator, medical resuscitation equipment, handheld aerosol spray containers, fire extinguishers, or other equipment acceptable to the chief inspector.
  - (3) If any of the information in section 3.4.2(1)(c) changes, the manager shall amend the permit.
  - (4) Records of the permits shall be kept for a minimum of one year.
  - (5) Electrical tools and equipment used in a confined space shall be
    - (a) grounded or double-insulated and so marked, and
    - (b) protected by an approved ground fault circuit interrupter if wet or damp conditions exist inside the space.
  - (6) Electrical equipment used in a confined space where a hazardous atmosphere is or may be present shall meet the requirements of Section 18 (Hazardous Location) of the *Canadian Electrical Code* Part 1 CAN/CSA C22.1-06.

### Test of Confined Space

- 3.4.3**
- (1) A person without self-contained breathing apparatus shall not enter a confined space in which a harmful atmosphere might exist or develop until
    - (a) tests have been made to determine the nature and quantity of harmful vapours, gases, fumes, mists, dusts, and the oxygen content of the atmosphere inside the confined space and these test results shall be recorded by the manager,
    - (b) the written work procedures under section 3.4.1(a) have been read and understood by the person and the required emergency and rescue procedures are in place, and
    - (c) the confined space is being ventilated continuously by a mechanical ventilation system.
  - (2) A ventilation system for the control of airborne contaminants shall be designed, installed and maintained in accordance with established engineering practices and specified in the written procedures.

- (3) If a contaminant is produced in the confined space, it shall be controlled at the sources by a local exhaust ventilation system if practicable, by general ventilation, or by a combination of both.

#### Test of Intervals

- 3.4.4** Tests of the atmosphere inside the confined space shall be continuous during the work process to ensure that the quality of the air does not deteriorate and the test results shall be recorded as required by section 3.4.3(1)(a).

#### Confined Space Ventilation

- 3.4.5** Where tests made under 3.4.3 and 3.4.4 or any other test or examination indicates a harmful atmosphere or the presence of a harmful substance, the confined space shall be ventilated or cleaned, or both, and retested or re-examined to ensure that no person without self-contained breathing apparatus is allowed to enter the confined space unless
- (1) the atmosphere or substance in the confined space is no longer considered harmful according to the acceptable standards prescribed in part 2 of the code, and
  - (2) the oxygen content of the atmosphere inside the confined space is not less than 19.5%.

#### Wearing of Protective Equipment

- 3.4.6** (1) Where tests under sections 3.4.3 and 3.4.4 indicate the presence of a hazardous atmosphere and it is not practical to provide a safe, respirable atmosphere
- (a) the persons entering the confined space shall
    - (i) wear self-contained breathing apparatus and personal protective equipment, or
    - (ii) have an approved supplied air system equipped with an emergency escape bottle, and wear personal protective equipment,
  - (b) the concentration of flammable substances shall be maintained below 20% of the lower explosive limit as determined by continuous testing, and
  - (c) all possible sources of ignition shall be eliminated or controlled, and only non-sparking tools may be used where flammable substances exist.
- (2) If inerting is required or utilized, persons entering the confined space shall adhere to established engineering practices.

## Fire Prevention

### Open Flame Underground

- 3.5.1** No person shall
- (1) light or build a fire in an underground mine, or
  - (2) weld, cut by the use of heat or flame, or use a blowtorch in an underground coal mine without the written permission of the chief inspector, and
  - (3) the manager of an underground coal mine may submit for approval by the chief inspector a procedure for cutting and welding underground, and once this procedure is approved need only notify an inspector for future cutting and welding within the parameters of the approval.

### Prohibited Articles

- 3.5.2** No person shall possess while underground in a coal mine or in any part of a mine designated by the manager
- (1) a match or apparatus of any kind for creating an open flame or spark, or
  - (2) cigarettes, cigars, or smoking materials in any form.

### Designation of Fire Hazard Areas

- 3.5.3** Fire hazard areas shall be identified by warning signs, and persons shall not smoke, use open flame lamps, matches, or other means of producing heat or fire in designated fire hazard areas.

## Industrial First Aid

### First Aid Supplies

- 3.6.1** The manager shall provide and maintain first aid supplies and services as required by the Workers Compensation Board.
- 3.6.2** An inspector may order an increase in the first aid supplies or services required by section 3.6.1

### Means of Communication

- 3.6.3** The manager shall provide a means of communication acceptable to an inspector by which the services of a physician can be obtained expeditiously.

## Mine Rescue

### Mine Emergency Response Plan

- 3.7.1** (1) The manager shall develop, and file with the chief inspector, a Mine Emergency Response Plan (MERP), which shall be kept up to date and followed in the event of an emergency.



- (2) The Mine Emergency Response Plan must
  - (a) outline the response procedures that are essential for effective and timely management of an emergency situation,
  - (b) contain all of the elements required in the “*Mine Emergency Response Plan Guidelines for the Mining Industry*”, as amended from time to time,
  - (c) include the emergency preparedness and response plans as required under section 10.4.2 (1) (e) of this code regarding tailings storage facilities, and
  - (d) include affected communities and First Nations in the identification of potential hazards, emergency communications and responses.
- (3) The manager shall ensure that annual testing of the effectiveness of the Mine Emergency Response Plan is conducted and that First Nations are included in the annual testing of the plan for hazards identified.
- (4) A record of the annual testing referred to in subsection (3) must be included in the annual report submitted to the chief inspector.

### Underground

- 3.7.2** (1) At an underground mine, the manager shall establish and maintain certified and equipped underground mine rescue personnel who have the qualifications specified in section 3.7.7 (1).
- (2) Mine rescue personnel referred to in subsection (1) must be deployed as follows:
- (a) where the number of employees underground at one time is greater than 50, 2 teams;
  - (b) where the number of employees underground at one time is less than 50, but greater than 10, 1 team;
  - (c) where there are 10 or less employees working underground at any one time, 4 persons.

### Surface at Underground Mine

- 3.7.4** At all underground mines where a surface fire can compromise people, plant, or equipment the manager shall ensure sufficient trained personnel and equipment are available to provide fire suppression capability for the site.

### Open Pit

- 3.7.5** The manager of an open pit mine employing more than 25 persons per shift shall ensure that
- (1) there is one fully trained and equipped mine rescue team, and

- (2) on every shift where more than 10 persons are working, there are four persons trained in mine rescue procedures.

**Team Complement**

- 3.7.6 The normal compliment of a mine rescue team shall be 6 qualified members, one of whom shall be the team captain, one the vice captain, and one the coordinator who shall remain at the fresh air base at all times.

**Mine Rescue Teams**

- 3.7.7 A person shall not be considered as a qualified member of a mine rescue team unless
  - (1) the person possesses a valid mine rescue certificate and a valid St. John standard first aid certificate and transportation endorsement or an equivalent standard acceptable to the chief inspector, free from a beard, moustache, or sideburns that could interfere with the facepiece seal of any breathing apparatus,
  - (2) considered competent to act as a mine rescue team member by the person appointed as a trainer under section 3.7.9, and
  - (3) medically fit for the nature of the work required.

**Mine Rescue Records**

- 3.7.8 The manager shall ensure a record of all mine rescue training is maintained at the mine site, and shall
  - (1) ensure the logbook is maintained by the qualified person appointed by the manager, to conduct the training,
  - (2) contain the particulars of the training, including the names of those participating and the trainer, and
  - (3) shall note the condition of all equipment used during the training.
- 3.7.9 The manager shall
  - (1) appoint a qualified person as a trainer for mine rescue team members,
  - (2) ensure that all mine rescue team members practice as a team for not less than 8 hours during each 3 month the mine operates, and
  - (3) ensure that all mine rescue personnel are not underground at any one time except for rescue work or training.

**Type of Breathing Apparatus**

- 3.7.10 Where self-contained breathing apparatus is required it shall be of a type approved by a recognized certification agency, and suitable for the intended work.

**Mine Plans for Rescue Purposes**

- 3.7.11 The manager shall ensure that the plans required under part 6 of the code are readily available for the use of mine rescue teams.

- 3.7.12** The manager shall appoint a qualified person
- (1) to be responsible for the care and maintenance of all rescue apparatus,
  - (2) the entries into a logbook to be kept at the mine recording the condition of all equipment used for mine rescue or fire fighting, and
  - (3) the care of the rescue equipment storage room, and equipment caches.

#### Rescue Station

- 3.7.13** The chief inspector may establish mine rescue stations at places the chief inspector considers necessary, all of which shall be equipped and maintained by the government under the direction of the chief inspector.

### Emergency Training

#### Hoistroom Breathing Air and Training

- 3.8.1**
- (1) One or more units of self-contained breathing apparatus and a fully charged cylinder of compressed air containing not less than 8.5 cubic meters of free air at normal local atmospheric conditions shall be maintained in every hoist room.
  - (2) Every hoist operator and cage tender who may be required to use demand breathing apparatus shall be responsible for ensuring that the apparatus is always readily available to them while they are underground.

#### Survival Rescue Procedures

- 3.8.2**
- (1) The manager of an underground mine shall establish a training program in survival mine rescue, including the use of approved self-rescue apparatus, and the use of fire fighting equipment in place at the manager's mine.
  - (2) All persons, employed at the mine or not, shall be instructed and trained in these procedures before entering the underground mine.

#### Instructor Emergency Procedures

- 3.8.3** The manager of a mine shall appoint a qualified person to instruct and establish a training program for all employees in basic emergency response, and fire fighting.

### Fire Fighting

#### Fire Fighting Equipment

- 3.9.1**
- (1) The manager shall ensure that fire fighting equipment is provided and maintained at all locations at the mine where fire may endanger life.
  - (2) Unless specified otherwise in this code, The *British Columbia Fire Code* 1998 and subsequent supplements and revisions shall apply in determining the level of fire fighting equipment and maintenance as prescribed in subsection (1).

## Underground Fire Fighting

### Underground Fire Fighting

- 3.10.1** (1) The manager shall ensure that fire fighting equipment is provided and maintained at all underground crusher stations, electrical installations, pump stations, shaft stations, tipples, conveyors, service garages, fueling stations, and where a fire hazard may exist.
- (2) A suitable number of fire extinguishers of a specified capacity shall be provided and maintained at each stationary diesel motor, transformer substation and any splitter panel.
- (3) The location of the fire fighting equipment required by sections 3.10.1(1) and (2) shall be such that, in the event of a fire, the direction of the mine ventilation air flow will not prevent or hamper the effective use of the equipment.
- 3.10.2** Fire extinguishers which are capable of giving off or generating poisonous gas when operated shall not be allowed below ground and in confined spaces.
- 3.10.3** The manager shall ensure that inspection and if necessary, testing and maintenance of all fire fighting equipment are carried out by a qualified person at least once a month.

### Fire Fighting Plans

- 3.10.4** The position of all fire fighting pipe lines, hydrant valves, fire stations and fire cabinets shall be shown on a plan drawn to a scale of not less than 1:2500 with a metric scale bar and a marked north point. The plan shall be updated at intervals not exceeding three months.

## Underground Coal Fire Fighting

### Underground Coal Fire Fighting

- 3.11.1** For underground coal mines the following sections up to and including section 3.11.6 will apply in addition to all previous sections on fire fighting as may be applicable.

### Minimum Requirements

- 3.11.2** A reservoir containing not less than 100,000 L of water at all times shall be maintained to supply water at adequate volume and pressure to underground coal mine workings.

### Provision of Hydrants

- 3.11.3** Fire hydrants operated by wheel valves shall be located
- (1) 20 m on the intake side of conveyor loading and transfer points, main junctions, and electrical substations,

- (2) along such roadways as deemed necessary by the mine manager, at intervals not exceeding 100 m., and
  - (3) at suitable central points in room and pillar workings.
- 3.11.4** In close proximity to each fire hydrant there shall be a cabinet containing
- (1) a branch pipe and nozzle of 40 mm minimum internal diameter, and
  - (2) sufficient lengths of hose to cover the distance between each cabinet, and the hose shall have a minimum internal diameter of 40 mm and a working pressure of 1000 kPa.
- 3.11.5**
- (1) A fire station shall be situated at the bottom level and at every intermediate level of a downcast shaft or slope which provides access to active working areas of the mine.
  - (2) In the case of a drift mine with a walkable intake airway, the manager may locate a fire station on surface close to that airway.
- 3.11.6** The minimum equipment housed in or near a fire station shall be
- (1) not less than 120 m of fire hose with couplings, branch pipe, a nozzle of 40 mm minimum internal diameter designed to a working pressure of 1,000 kPa,
  - (2) a back-up supply of fire extinguishers, and
  - (3) a supply of sand bags or equivalent material.

### Gas Detectors

#### Approved Detector

- 3.12.1** Every device used for the detection of flammable or noxious gas at a surface or underground mine shall be of a type approved for such use by a recognized testing agency.

#### Servicing Detectors

- 3.12.2** The manager shall appoint a qualified person to be responsible for maintaining the appliances used for detection of flammable or noxious gases.

#### Use of Appliance

- 3.12.3** The manager shall appoint a qualified person to carry and use an appliance for the detection of flammable or noxious gas. The qualified person shall
- (1) check the appliance for damage and to ensure it is in proper working order before use,
  - (2) not use the appliance if found damaged or dysfunctional, and
  - (3) take all reasonable precautions to prevent the appliance from being damaged

## Evacuation

### Procedures and Instructions

- 3.13.1** The manager of a mine shall
- (1) prepare procedures for the safe evacuation of personnel from the mine, or part of the mine, if necessitated by an emergency,
  - (2) post copies of the procedure in conspicuous places at the surface and underground, and
  - (3) ensure that each employee receives instruction in the procedures prepared under subsection (1) and that the employee can recognize the emergency warning system and is familiar with the emergency escape routes from the mine.

### Emergency Warning System

- 3.13.2** The manager shall develop and maintain a system acceptable to an inspector for warning all employees, whether underground or in buildings on surface, of an emergency requiring prompt evacuation of their work places.

### Test of System

- 3.13.3** A test of the warning system required under section 3.13.2 that does not involve evacuation of key process personnel shall be carried out at least once every 12 months on a production shift, and the manager shall ensure that key process personnel unable to evacuate are knowledgeable with the warning system, and the evacuation procedure.

### Report of Test

- 3.13.4** A report of all emergency warning system tests, including their effectiveness, shall be produced in a timely manner by the manager, reviewed by the OHSC and kept on file at the mine.

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## Buildings – General

### Design and Construction

- 4.1.1 (1) All buildings shall be constructed in accordance with the *British Columbia Building Code*.
- (2) Where a building or structure is to be constructed, altered, dismantled, moved, or where major repairs are to be made, the manager shall ensure that
- (a) drawings are prepared clearly showing all required field connections and any other information necessary for the safe completion of the work, or
- (b) the work is supervised by a professional engineer.
- (3) Drawings of the completed building or structure shall be kept at the mine and any revisions to the drawings shall be noted.

### Proximity to Underground Workings

- 4.1.2 (1) Any building, whether or not attached to a headframe or other entrance to an underground mine, shall be of non-combustible construction for any portion that is within 15 m of the headframe or entrance to the mine.
- (2) The remainder of the building shall be either of non-combustible construction or separated from the non-combustible section by a firewall, having a 4-hour fire resistance rating, and constructed in accordance with the *British Columbia Building Code*.

### Portable Heaters

- 4.1.3 Every portable heater shall conform to the relevant sections of the following code, as amended from time to time
- (1) CSA Standard B 139-00 “*Installation Code for Oil Burning Equipment*,”
- (2) CSA Standard B 149.1-00 “*Natural Gas and Propane Installation Code*,”
- (3) *Canadian Electrical Code*, and
- (4) CSA Standard B51-97 “*Boiler, Pressure Vessel, and Pressure Piping Code*.”

### Access to Work Areas

- 4.1.4 (1) The manager shall ensure that all places where work is performed have safe means of access and egress and if necessary an alternate means of escape appropriate to the conditions of the work, and workers shall not use any other means that are, or may be, hazardous.

- (2) Where required by an inspector, aisles and passageways in work and in storage areas shall be clearly delineated by floor markings. Such markings shall be maintained in a clearly visible condition
- (3)
  - (a) Emergency exits shall be clearly marked and designed to provide quick and unimpeded exit.
  - (b) doors shall not open directly onto stairways, but shall open onto floors or landings having a width in excess of the swing of the doors,
  - (c) double-acting swing doors shall be designed and installed to permit an adequate view through the doors, and
  - (d) transparent glass doors and glass panels shall be constructed of laminated, tempered, or wired safety glass meeting the current requirements of the *British Columbia Building Code*.

### Equipment Entranceways to Buildings

- 4.1.5
- (1) Any entranceway, other than for persons, through which equipment is moved shall
    - (a) exceed in width by at least 500 mm the width of the equipment where the width of the equipment is less than 3 m,
    - (b) exceed in width by at least 1 m the width of the equipment where the width of the equipment is 3 m or greater, and
    - (c) exceed in height by at least 300 mm the height of the equipment.
  - (2) All power-operated vertical doors installed in equipment entranceways shall have devices along the lower edge which will automatically stop movement of the door upon sensing an intermediate obstruction or when it reaches floor level.

### Storage of Materials

- 4.1.6
- (1) No material or equipment shall be so placed, stacked, or stored as to constitute a hazard to persons.
  - (2) No person shall enter a bin, stockpile area, or any place where there is a danger of becoming trapped in loose material unless safe access has been provided by catwalks, walkways, or other means, or unless the person is equipped with a safety belt and a secured lifeline and is attended by another person who is capable of effecting an immediate rescue.
  - (3) Any area upon which materials may be dropped or dumped shall be barricaded and posted with warning signs to prevent persons from inadvertently entering.

### Handrails and Guardrails

- 4.1.7
- (1) Every flight of stairs having more than 4 risers shall be equipped with handrails on all open sides of the stairways, and on one side of an enclosed stairway 1.12 m or less in width, and on both sides of an enclosed stairway over 1.12 m in width.

- (2) The top of a handrail shall be at a height of 810 mm to 910 mm above the stair tread, measured vertically from the nose of the tread, and the height shall not vary on any flight or succession of flights of stairs.
- (3) Handrails on open-sided stairways shall be fitted with midrails located approximately equidistant from the top of the handrail and the nose of the stair tread.
- (4) When a stairway ends in direct proximity to dangerous traffic or other hazards, detour guardrails shall be installed.

### Standard Guardrails

- 4.1.8** (1) Standard guardrails shall be installed where any open-sided floor, working platform, runway, walkway, or balcony is more than 1 m above grade or floor level.
- (2) When persons are employed around open tanks, containing liquids or harmful substances, the sides of the tanks shall be constructed to extend at least 1 m above any working platform, or standard guardrails shall be provided to prevent persons from falling into the tanks.

### Floor Openings

- 4.1.9** Openings or pits in floors, roofs, walkways or work areas accessible to persons, shall be securely covered or fitted with fixed, removable or collapsible guardrails.

### Toe-boards

- 4.1.10** (1) Notwithstanding section 4.1.8, toe-boards are not required to be installed with a standard guardrail
- (a) where persons do not or cannot work underneath, or
  - (b) where there is no machinery located below.
- (2) Where materials are stored nearby, toe-boards shall be increased in height, or solid or mesh panels of appropriate height shall be installed to prevent any material from falling.

### Walkways and Vehicle Curbs

- 4.1.11** (1) Walkways shall not be less than 500 mm in width and shall be provided with safe access by stairways or fixed ladders.
- (2) Where necessary, curbs or bullrails not less than 250 mm in height, or similar means, shall be used to prevent vehicles or other equipment from running off the edge of an elevated surface.

## Buildings – Surface

### Repair Shops

- 4.2.1 (1) A repair shop shall be located such that site conditions favour adequate drainage away from the shop.
- (2) Designated parking areas in the vicinity of the repair shop shall be clearly marked.

### Coal Preparation Plant

- 4.2.2 Where combustible dusts may be continuously, or intermittently, in suspension in the air in coal preparation plants, a dust collecting system shall be provided and shall
- (1) if constructed after this code comes into effect, be located away from the working area, outside the building or in a separate room properly ventilated to the outside,
- (2) if a dry-type, be of non-combustible construction and equipped with adequate explosion doors or vents, and
- (3) if a bag type, only have bags made of anti-static, fire resistant material and be provided with an effective electrical ground.

### Dry-type Dust Collectors

- 4.2.3 A dry-type coal baghouse dust collector shall be provided with a device to
- (1) detect the presence of hot or glowing particles upstream from the collector and trigger a quenching action, and
- (2) sense a rise in temperature within the collector and sound an alarm and initiate an automatic quenching action at pre-set temperature levels.

### Explosion Venting

- 4.2.4 (1) Provisions shall be made for venting an explosion from any coal preparation and dryer plant building that produces, or may produce, airborne dust in accordance with NFPA 120, Chapter 4 - “Fire and Explosion Prevention of Specific Hazards.”
- (2) Ventilating hoods and exhaust ducts shall not be used as explosion venting devices unless they are properly designed for a dual purpose.

### Monitoring of Explosive Atmospheres

- 4.2.5 Where explosive atmospheres may occur, such as in, above, or below a coal silo, continuous monitoring of the atmosphere shall be instituted.

### Thermal Dryer Discharge

- 4.2.6 Thermal coal dryers that discharge to enclosed storage shall have equipment to continuously monitor coal discharge for hot or glowing embers of coal and, if detected, an automatic quenching system shall be activated.

## Underground Enclosures (Fuel Pipelines and Storage)

### Underground Enclosures

- 4.3.1** All underground enclosures, including service garages, oil and grease storage areas and fuelling stations shall
- (1) be designed and protected to prevent the inadvertent entry of an uncontrolled vehicle,
  - (2) have safe means of entry and exit appropriate for the conditions and purpose of the enclosure,
  - (3) be equipped with adequate fire protection, and
  - (4) be adequately ventilated to suit the purpose of the enclosure.

### Underground Service Areas

- 4.3.2** Every underground service garage, fuelling station and oil and grease storage area shall
- (1) be located so that a fire or explosion inside the facility would have a minimal effect on other working areas of the mine and on underground installations,
  - (2) be equipped with an automatically actuated fire suppression system that has been properly designed and installed to provide effective fire protection,
  - (3) be provided with means for manually actuating the fire suppression system from several locations inside the enclosure and at least one location outside the entrance, and whenever the fire suppression system is actuated, an alarm shall be given automatically at suitable, crewed locations on the surface of the mine and underground, or at a central fire control station,
  - (4) have a concrete floor without service pits,
  - (5) be equipped with means for containing spills of fuel, oil or grease including the use of fireproof receptacles into which the spilled fuel, oil or grease shall be deposited and removed from the mine without undue delay, and
  - (6) have adequate clearances for the safe performance of all work.

### Underground Fuelling Stations

- 4.3.3**
- (1) The manager shall notify the inspector, in writing, of the intention to construct an underground fuelling station.
  - (2) No smoking shall be allowed in, or near, a fuelling station and signs to this effect shall be posted in conspicuous locations.
  - (3) A fuelling station shall
    - (a) be separate from service garage,
    - (b) incorporate a sill or curb to contain spilled fluids, and

- (c) be totally enclosed, equipped with a self-closing door of non-flammable construction.
- (4) Where a mobile fuelling supply tank is used, the tank shall be clearly labeled with “No Smoking” signs and no person shall smoke within 10 m.

### **Underground Oil and Grease Storage Areas**

- 4.3.4**
- (1) The manager shall notify the inspector, in writing, of the intention to construct an underground oil and grease storage enclosure for quantities in excess of those outlined in section 4.8.1(2)(b).
  - (2) Every underground oil and grease storage enclosure shall be separate from a service garage.
  - (3) Oil shall not be stored in an underground mine in quantities greater than 500 L unless it is placed in an oil storage enclosure that
    - (a) meets the requirements of sections 4.3.1, 4.3.2 and 4.3.3 of the code,
    - (b) is provided with a door,
    - (c) has a two-hour fire resistance rating, and
    - (d) is maintained in proper order and kept free from obstruction so as to be readily usable at all times.
  - (4) No service garage or fuelling station shall be installed underground unless it meets the appropriate requirements of sections 4.3.1, 4.3.2 and 4.3.3 of the code, and the manager has established a safe operating procedure.

### **Fuel Pipelines Underground Mines**

#### **Fuel Pipelines Underground Construction**

- 4.3.5** Where a fuel pipeline is used in an underground mine it shall
- (1) be constructed of minimum or better standard weight wrought iron or steel pipe or the equivalent with respect to strength, durability, corrosion and fire resistance,
  - (2) have leak proof joints, and if sealants or gaskets are used, they shall be approved by Underwriters Laboratories for fuel oil service,
  - (3) be designed, installed, and used in accordance with the manufacturer’s specifications, and
  - (4) be drained empty after completion of each fuel transfer.

#### **Installation**

- 4.3.6** A fuel pipeline in an underground mine shall
- (1) be installed to minimize the risk of damage and supported so as to avoid dips and sags,
  - (2) be clearly identified as a fuel pipeline,

- (3) be pressure tested before initial use to 345 kPa above atmospheric, or 1.5 times the maximum working pressure, whichever is greater, and the pipeline shall retain the pressure for at least 2 hours after the source of pressure has been removed,
- (4) be visually inspected at least once a month, and
- (5) not pass through garages, switch rooms, explosive magazines, or refuge stations.

#### **Fuel Storage Tanks Construction**

- 4.3.7** Fuel storage tanks in a fuel transfer pipeline shall
- (1) be constructed of steel and designed in accordance with good engineering Practice for their location and use, and NFPA 122 “Storage of Flammable and Combustible Liquids Within Underground Metal and Non-Metal Mines (Other than Coal) 1986” may be used for the design of the tanks except where any requirement conflicts with a requirement of this part of the code,
  - (2) be supported and anchored to prevent excessive stress concentration on any supporting portion of the shell, and located to minimize the risk of damage, and
  - (3) have vent pipes of sufficient size, located so that fumes are directed away from any place where they could be a hazard to health or safety.

#### **Fire Protection and Control**

- 4.3.8** Every fuel storage tank shall
- (1) have a means of accurately determining the amount of fuel it contains,
  - (2) be identified as to its contents and that it is a fire hazard area, and
  - (3) be surrounded by a dike or curb capable of containing 110% of its storage capacity.

#### **Fuel Oil Transfer Systems**

- 4.3.9**
- (1) A fuel oil transfer system shall have electrical equipment complying with Section 20 of the *Canadian Electrical Code, Part 1*.
  - (2) It shall be equipped with a fire suppression system and have adequate fire extinguishers.
  - (3) It shall be designed and installed so that
    - (a) only a pre-set quantity of fuel can be transferred at one time and this quantity shall be less than 90% of the available storage capacity of the receiving tank at the time of the transfer, or
    - (b) when the receiving tank is full, a sensing device will stop the flow of fuel at the sending tank, or
    - (c) one person at the sending tank and one at the receiving tank shall have suitable communication so that the flow of fuel can be stopped at any time, and the controls and switches at the tanks shall be clearly marked.

- (4) Where fuel transfer lines are installed in a shaft, fuel transfer shall not be conducted during hoisting operations.
- (5) An authorized person shall be responsible for ensuring that the system is regularly inspected, cleaned and properly maintained, and that all procedures are strictly followed.

### Fixed Equipment (Plant and Machinery)

#### Fall Arresting Devices

- 4.4.1
- (1) Subject to subsection (5), where a person is exposed to the hazard of falling more than 3 m, a fall arresting device shall be used.
  - (2) The fall arresting device required by subsection (1) shall comply with the relevant design and performance requirements of
    - (a) CSA Z259.1-95 “Safety Belts and Lanyards”, or
    - (b) CSA Z259.2.1-98 “Fall Arresters, Vertical Lifelines and Rails”, or
    - (c) CSA Z259.2.2-98 “Self-Retracting Devices for Personal Rail-Arrest”, or
    - (d) CSA Z259.2.3-98 “Descent Control Devices.”
  - (3) Safety belts, harnesses, lanyards and lifelines shall not be knotted or allowed to become knotted.
  - (4) When in use with a fall arresting device, a lifeline shall be anchored so that a person cannot fall, free of arrest, for more than 1220 mm, and it shall be connected to an object that is free from sharp edges and capable of resisting the force of an arrest.
  - (5) Subsection (1) does not apply to a person employed in shaft sinking where measures are in effect to provide equal or greater protection against falling.

### Machinery and Equipment with Moving Parts

#### Guards

- 4.4.2
- (1) In this section and sections 4.4.2.1 to 4.4.2.8, 4.4.16, 4.5.3 and 4.11.6, “**guard**” means a physical barrier that provides protection from a hazard.
  - (2) The manager must ensure that machinery or equipment with moving parts is equipped with guards which are designed, constructed, installed and maintained so that
    - (a) no person can reach over, under, around or through the guard and access a hazard including a drive belt, chain, rope or pulley, sprocket, flywheel, geared wheel, any opening through which a belt, pulley or wheel operates, any bolt, key or set screw, every part of any wheel or other moving part that projects unevenly from the surface, or all head, tail, drive and tension pulleys of a conveyor, and



- (b) all material that may be ejected in the normal course of operating the machinery or equipment, which could be hazardous to a person, is safely contained.
- (3) Subsection (2) of this section, and sections 4.4.2.1 to 4.4.2.8, do not apply to idlers of a conveyor belt except with respect to return idlers, beneath a conveyor belt, that
  - (a) are directly above a regular walkway or work area, and
  - (b) present a risk of harm to a person on the walkway or in the work area, beneath the return idlers, by being vertically reachable or by detaching and falling.

### Fixed Guards

- 4.4.2.1** (1) In this section, “**fixed guard**” means a guard that is kept in place with either a permanent attachment system or an attachment system that necessitates the use of tools to remove or open the guard.
- (2) The manager must ensure that, when fixed guards are removed from machinery or equipment, the attachment systems of the fixed guards remain attached to the guards or to the machinery or equipment.

### Interlocked Guards

- 4.4.2.2** (1) In this section, “**interlocked guard**” means a guard that is attached, and interlocked, to the operational controls of machinery or equipment which prevents the operation of hazardous machinery or equipment functions.
- (2) The manager must ensure that interlocked guards comply with CSA Z432:23, Chapter 9.5, Guards, interlocked.

### Distance Guards

- 4.4.2.3** (1) In this section, “**distance guard**” means a guard that prevents access to a hazard by its physical dimensions and distance from the hazard.
- (2) The manager must ensure that distance guards
  - (a) have no greater than a 0.15 m opening between the adjacent walked surface and the bottom of the distance guard,
  - (b) have a minimum height of at least 1.8 m,
  - (c) open laterally or away from the hazard and cannot close by itself, and
  - (d) can only be removed by use of a tool.

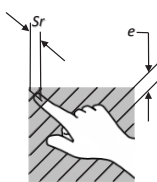
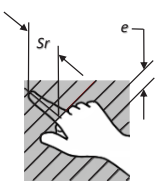
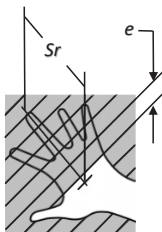
### Construction of Guards

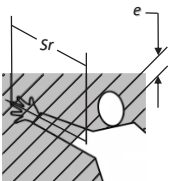
- 4.4.2.4** The manager must ensure that all guards
  - (a) are designed to be of a suitable size and weight to permit ease of handling,
  - (b) are of robust construction and are free of sharp edges, rough surfaces and protruding parts that could cause injury,

- (c) cause a minimal amount of visual obstruction during the production process, and
- (d) meet the requirements of Table 4-1 for opening size and distance from a hazard.

Table 4-1

**Reaching through regular openings (in mm) –  
Persons 14 years of age and above\***

| Part of Body               | Illustration   | Opening          | Safety Distance to Hazard zone,<br>$S_r$ |            |            |
|----------------------------|--|------------------|--|------------|------------|
|                            |  |                  | Slot                                     | Square     | Round      |
| Fingertip                  |   | $e \leq 4$       | $\geq 2$                                 | $\geq 2$   | $\geq 2$   |
|                            |  | $4 < e \leq 6$   | $\geq 10$                                | $\geq 5$   | $\geq 5$   |
| Finger up to knuckle joint |   | $6 < e \leq 8$   | $\geq 20$                                | $\geq 15$  | $\geq 5$   |
|                            |  | $8 < e \leq 10$  | $\geq 80$                                | $\geq 25$  | $\geq 20$  |
| Hand                       |  | $10 < e \leq 12$ | $\geq 100$                               | $\geq 80$  | $\geq 80$  |
|                            |  | $12 < e \leq 20$ | $\geq 120$                               | $\geq 120$ | $\geq 120$ |
|                            |  | $20 < e \leq 30$ | $\geq 850$                               | $\geq 120$ | $\geq 120$ |

| Part of Body                     | Illustration  | Opening           | Safety Distance to Hazard zone,<br>$S_r$ |            |            |
|----------------------------------|---|-------------------|--|------------|------------|
|                                  |   |                   | Slot                                     | Square     | Round      |
| Arm up to junction with shoulder |  | $30 < e \leq 40$  | $\geq 850$                               | $\geq 200$ | $\geq 120$ |
|                                  |   | $40 < e \leq 120$ | $\geq 850$                               | $\geq 850$ | $\geq 850$ |

\*This table is based on data from Table 9.1 of CSA Z432:23

### Servicing Machinery or Equipment in Motion Without Removing Guards

- 4.4.2.5 Machinery or equipment with guards may be serviced while in motion, without the lockout procedures set out in sections 4.11.1 to 4.11.7 applying, if the manager ensures that
- the guards remain in place, and
  - only the parts of the machinery or equipment that are necessary for servicing are energized.

### Testing or Adjusting Energized Machinery or Equipment

- 4.4.2.6 If machinery or equipment with guards can only be tested and adjusted after the guards are removed and while the machinery or equipment is energized, the lockout procedures set out in sections 4.11.1 to 4.11.7 do not apply to the machinery or equipment while it is being tested or adjusted provided the manager
- establishes a safe procedure for testing and adjusting the machinery or equipment in accordance with the manufacturer's recommendations, if any,
  - ensures that only qualified persons, or employees under the direct supervision of a qualified person, perform the testing and adjusting, and
  - ensures that the safe procedure referred to in paragraph (a) is reviewed by the qualified persons and employees at the frequency determined by the manager.

### Machinery or Equipment Isolated by Height

- 4.4.2.7 Despite section 4.4.2, guards are not required for exposed moving parts of machinery or equipment if the exposed moving parts are 3 m or more above the ground, working surface, walkway, stockpiles or material build-up, whichever surface is closest to exposed moving parts.

**Overhead Drive Belts**

- 4.4.2.8 Despite section 4.4.2.7, the manager must ensure that an overhead drive belt has guards if the whipping action caused by the belt breaking may be hazardous to a person.

**Grinders**

- 4.4.3
- (1) A grinder shall be assembled, adjusted and operated in accordance with the manufacturer's specifications.
  - (2) The maximum speed at which a grinding wheel may be operated shall be indicated on the grinding wheel or be easily obtainable.
  - (3) A grinding wheel shall be
    - (a) enclosed by a protective hood except for the area at the workrest,
    - (b) stored where it will not be damaged by impact, extreme heat or cold, and
    - (c) stopped when the grinder or workrest is being adjusted.
  - (4) The operator of a grinder shall wear a face shield complying with the relevant requirements of CSA Standard Z94.3.99.
  - (5) The workrest on a grinder shall be mounted above the centre line of the grinding wheel and not more than 3 mm from the wheel unless otherwise specified by the manufacturer.
  - (6) An air-operated grinder shall have a governor to prevent it operating in excess of the rated speed of the grinding wheel.
  - (7) The governor required by subsection (6) shall be inspected regularly and maintained in proper condition.
  - (8) Powered grinding wheels, other than portable hand held machines, shall be equipped with an exhaust system or other means for removing dust produced during the grinding operation.

**Chain Saws**

- 4.4.4 Chain saws shall meet the requirements of CSA Z62.1-95 "Chain Saws".

**Pneumatic Tools**

- 4.4.5
- (1) Portable pneumatic nailing and stapling tools capable of driving a fastener having a nominal diameter exceeding 1.2 mm (18 gauge ASWG), shall be designed so that the operator is required to make not less than two separate operations to activate the tool. One of these operations shall be to place the tool against the work surface.
  - (2) Under no circumstance shall the operating trigger be taped or otherwise secured in the "on" position, or held in the "on" position while moving between operations.
  - (3) The air supply shall be disconnected before the tool is serviced or any adjustments made.

- (4) The safe operating air pressure specified by the manufacturer for tools, hoses and fittings shall not be exceeded.

#### 4.4.6 Repealed.

### Welding and Burning Equipment

- 4.4.7
- (1) Whenever torches or welding equipment are being transported or used, the manager shall require that safe procedures are developed and followed.
  - (2) Every compressed gas cylinder containing fuel gas or other gas, when not in use, shall
    - (a) be stored in an upright position and kept in a well ventilated area free from flammable material and electrical apparatus, and
    - (b) have a securely fastened, approved valve protection cap, and be adequately secured by chains or other acceptable means to prevent it from being knocked over.
  - (3) At any time that compressed gas cylinders are being transported, they shall be secured on a special carrier or container designed for the purpose, and unless the carrier or container is of a type intended for safely moving gas cylinders, the cylinders shall be fitted with securely fastened, approved valve protection caps.

### Powder-actuated Tools

- 4.4.8 A powder-actuated fastening system, consisting of the tool, power loads and fasteners shall meet the requirements of ANSI Standard A10.3-1995, "American National Standard for Construction and Demolition Operations - Safety Requirements for Powder-Actuated Fastening Systems"

### Lifting Devices

- 4.4.9
- (1) A lifting device shall be designed, constructed and installed in accordance with recognized standards and good engineering practice, provided with overwind protection if power operated, and provided with an identification plate.
  - (2) The maximum load that a lifting device may carry shall be established by its designer.
  - (3) A notice showing the maximum established load shall be posted in a location visible to the operator and, except during testing, it shall not be exceeded.
  - (4) Each component that may affect the safe operation of a lifting device shall be examined and tested by a qualified person before initial use and thereafter at intervals not exceeding one year, and a record shall be kept showing the dates, findings and names of the qualified

persons performing the examinations and tests and the record shall be kept available for inspection.

- (5) Where a combination of lifting devices is used simultaneously, the work shall be supervised by a qualified person

#### **Install Fire Protection**

- 4.4.10 (1) Fire extinguishing equipment of suitable type and size shall be provided at all fire hazard areas.
- (2) A fire suppression system consisting of sprinklers, foam or other suitable means of suppressing fire shall be provided
  - (a) in an underground mine on fixed equipment containing more than 10 L of flammable fluids actuation of the fire suppression system shall also cause power shut off, and
  - (b) on the surface, in a building or structure, except a fan house, located above or adjacent to an opening to an underground mine.

#### **Boilers and Engines Near Underground Workings**

- 4.4.11 No part of a steam boiler or stationary internal combustion engine shall be installed within 30 m of any part of the collar of a shaft or openings to underground workings.

#### **Engine Exhausts**

- 4.4.12 (1) The exhaust of an internal combustion engine which is temporarily or permanently installed within a building on the surface shall be conducted to a point outside the building and prevented from re-entering the building, entering the intake of any compressor, contaminating the atmosphere of another building and contaminating mine workings.
- (2) No internal combustion engine shall be used in potentially hazardous areas, as defined in the *Canadian Electrical Code*, Part 1, of surface mine buildings, unless the manager has obtained permission, in writing, from an inspector.

#### **Fans for Supplying Underground Ventilation**

- 4.4.13 All fans supplying ventilating air to underground workings and all structures containing fans shall be of non-combustible construction, installed at the surface except in the case of auxiliary or development fans, and
  - (1) provided with means for reversing the direction of air flow, and
  - (2) the flow shall not be reversed without the manager's authorization.

#### **Main Surface Ventilating Fans**

- 4.4.14 (1) Where explosive atmospheres may exist in underground workings, the main surface ventilating fans shall

- (a) be offset not less than 5 m from the nearest side of the mine opening and be equipped with noncombustible air ducts,
  - (b) be provided with explosion doors, and
  - (c) be operated from a dedicated power circuit.
- (2) Notwithstanding subsection (1), a fan may be located directly in front of, or over, a mine opening if
- (a) the opening is not in a direct line with possible air blasts coming out of the mine in the event of an explosion, and
  - (b) there is another opening not less than 5 m, or more than 30 m, from the fan opening that is in a direct line with possible air blasts and is equipped with explosion doors.

### Elevators

- 4.4.15**
- (1) All elevators shall be installed and maintained in accordance with CSA B44-00 "*Safety Code for Elevators*".
  - (2) All aerial lifts shall be installed and maintained in accordance with CSA B31 1-M1999 "*Safety Code for Manlifts*."
  - (3) Prior to initial operation, and thereafter at 12-month intervals, all drive components shall be subjected to non-destructive tests.
  - (4) A maintenance record shall be kept listing all unsafe conditions reported and the repairs made to each elevator to correct unsafe conditions. This record shall be retained at the mine until abandonment or removal of the elevator.

### Conveyor Belts

- 4.4.16**
- (1) No person shall ride on a conveyor belt.
  - (2) No person shall cross a conveyor belt except at an established foot bridge not less than 500 mm in width equipped with guardrails.
  - (3) Every conveyor way shall be provided with a walkway or other acceptable access for maintenance and inspection purposes.
  - (4) Every accessible section of a conveyor shall be provided with a pull cord to stop the conveyor in an emergency and the controls shall be arranged so that they have to be reset manually before the conveyor can be restarted after an emergency stop.
  - (5) On every conveyor which can be started automatically by remote control or where the operator has limited visibility of the whole conveyor, an audible start up warning device shall be installed and there shall be a time delay of at least 10 seconds between the end of a minimum 10 second warning and conveyor start up.
  - (6) Repealed.
  - (7) A belt conveyor used underground, or a belt conveyor more than 15 m in length installed in a building, or other closed-in structure,

shall be provided with a belt slip detection device to stop the drive motor in the event of belt blockage or slippage, and when required by the inspector, with an effective sprinkler system and plugged chute switches which shall stop the conveyor when a plugged chute condition occurs.

#### **Cleaning Up Spillage**

- (8) Servicing, or cleaning up spillage, on or around a moving conveyor belt shall only be carried out
  - (a) where the conveyor system is so constructed that the work can be done safely and, subject to subsection (8.1), without removing any guards, and
  - (b) by persons who have been fully trained and authorized by the manager to do the work.
- (8.1) If a conveyor system has guards that are not required under section 4.2.2, subsection (8) applies to servicing, or cleaning up spillage, on or around the moving conveyor belt as set out, except that the guards may be removed.
- (9) When it is necessary to remove guards for servicing or cleanup, the conveyor shall be stopped and locked out in accordance with sections 4.11.1 to 4.11.7 of this code.
- (9.1) Subsection (9) only applies with respect to guards that are required under section 4.2.2.
- (10) All guards removed during cleanup or servicing shall be replaced before the locks are removed and the conveyor is started.
- (11) The manager shall develop safe work procedures for any work near moving conveyors and submit any major or significant changes to established safe work procedures to the chief inspector for approval and these procedures shall
  - (a) address specific problems associated with each conveyor at the mine and indicate the speed at which each conveyor travels, and
  - (b) for cleanup of spillage, include a safe procedure or mechanism for return of material to a moving belt, and a procedure or mechanism to allow the removal of materials lying below the conveyor that protects persons from contact with the moving parts of the conveyor and any material that may fall from the conveyor.
- (12) Conveyor belting for use in the transportation of coal or in an explosive atmosphere and in all underground locations shall meet the requirements of CSA Standard CAN/CSA-M422-M87 “Fire Performance and Antistatic Requirements for Conveyor Belting” or an equivalent standard subject to approval by the chief inspector.



**Steam and Compressor Plant Operation**

- 4.4.17 (1) The manager shall ensure that procedures for the safe operation of a steam or compressor plant are prepared in writing and made available to persons operating and maintaining the plant.
- (2) Steam and compressor plants shall conform to the requirements of the *Safety Standards Act, Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation*.
- (3) A steam boiler or compressor to which the *Safety Standards Act, Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation* does not apply shall be maintained in a proper and safe condition by a qualified person.

**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.

**Compressors Carbon Monoxide Monitor**

- 4.4.18 (1) An air compressor driven by a prime mover exceeding 30 kw, that is lubricated by oil and discharges to a closed system at a pressure greater than 100 kPa, shall have temperature shutdown devices installed at the high-pressure discharge pipe.
- (2) All compressed air systems that are used to supply underground workings shall incorporate a carbon monoxide monitoring system that continuously monitors the compressed air located between the high-pressure discharge and the receiver.
- (3) The carbon monoxide monitoring system shall, when the carbon monoxide sampled reaches 25 ppm, sound an alarm and cause the immediate shutdown of all the compressors connected to the air supply system being sampled.
- (4) The manager shall ensure that the carbon monoxide monitoring system is working by testing the system at least monthly and recording the results in the compressor maintenance record.

**Underground Mine Heaters**

- 4.4.19 (1) The installation and maintenance of mine air heating equipment authorized by section 6.35.1 of the code, including provisions for mounting, clearances, and air supply, shall conform to the requirements of the following standards as amended from time to time
- (a) CSA Standard B 139-00, "*Installation Code for Oil Burning Equipment*,"

- (b) CSA Standard B 149.1-00 “*Natural Gas and Propane Installation Code.*”
- (2) With the exception of embedded pipes or ducts, all parts of the heating system shall be readily accessible for inspection, maintenance, repair, and cleaning.
  - (3) A carbon monoxide detector, capable of detecting concentrations below 25 ppm, shall be installed to shut down the heater if carbon monoxide in excess of 25 ppm is detected. This detector shall be installed 15 m downstream from where the heated air enters the mine.
  - (4) Pipelines with gas pressures in excess of 3.45 kPa shall not be located within 15 m of any mine opening.
  - (5) Pressure regulating stations shall be clearly marked and protected from physical damage.
  - (6) Propane storage tanks shall be located such that a leak of its contents shall not enter any mine openings.
  - (7) A vibration switch shall be mounted on the fan motor that will shut down the heater at prescribed vibration limits.

#### Portable Ladders

- 4.4.20** Portable ladders shall meet the requirements of CSA Standard CAN3-Z1 1-M81 “Portable Ladders” or other equivalent standard.

#### Construction of Portable Ladders

- 4.4.21** Where portable wooden ladders are constructed and used at a mine
- (1) the side rails shall measure not less than 38×89 mm (nominal 2"×4") for ladders up to 5 m in length and not less than 38×140 mm (nominal 2"×6") for ladders over 5 m in length,
  - (2) the cleats (rungs) shall be solid lumber not less than 21×89 mm (nominal 1"×4") spaced not more than 300 mm apart, secured in place by nails and with filler blocks of equal thickness to the cleat,
  - (3) the width between the side rails shall not be less than 380 mm or more than 500 mm,
  - (4) a double cleat ladder shall have 3 side rails, evenly spaced, be not less than 1070 mm and not more than 1270 mm in total width, and have cleats that extend the full width of the ladder, and
  - (5) material used for a ladder shall be of #2 grade or better from the following groups: Douglas Fir-Larch, Hem-Fir, Spruce-Pine-Fir or Coast-Sitka-Spruce; all lumber shall be graded to the National Lumber Grades Authority Rules or other approved grading rules.
- 4.4.22** Only transparent, protective coatings shall be applied to wooden ladders.

- 4.4.23 A portable single or extension ladder shall be held, tied or otherwise secured against slipping. The ladder shall extend at least 1 m above any upper landing to which it provides access.

#### Fixed Ladders

- 4.4.24 Fixed ladders shall meet the requirements of the American National Standards Institute (ANSI) Standard A14-3-1992 “Safety Requirements for Fixed Ladders” or other equivalent standards.

#### Piping Systems Buried Lines

- 4.4.25 (1) Piping systems containing substances hazardous to workers because they are corrosive, toxic, flammable or containing an expansible fluid, as defined in the [Safety Standards Act, Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation](#), under pressure shall be identified by a labeling or marking system.
- (2) Workers shall be trained to identify the labeling.
- (3) The marking or labeling shall be maintained in a legible condition.
- 4.4.26 Any new installations and where identifiable, any existing buried pipelines, power cables and storage tanks shall be plotted on accurate surface mine plans and where required by the inspector, identified by a system of stakes or signs on the surface.

### Elevating Work Platforms and Aerial Devices

#### Standards

- 4.5.1 Except as otherwise specified, all elevating work platforms, other than fire-fighting aerial devices, shall be designed, fabricated, operated, inspected, tested and maintained in accordance with the following standards:
- (1) CSA Standard CAN/CSA-C225-00 “Vehicle-Mounted Aerial Devices,”
  - (2) CSA Standard CAN3-B354.1-M82 “Elevating Rolling Work Platforms,”
  - (3) CSA Standard CAN3-B354.2-01 “Self-Propelled Elevating Work Platforms,”
  - (4) CSA Standard CAN3-B354.4 “Boom-Type Elevating Work Platforms,”
  - (5) CSA Standard B335.1-1994 “Low Lift and High Lift Trucks,”
  - (6) manufacturer’s instructions, and
  - (7) other standards acceptable to the chief inspector.

**Forklift Truck Platforms**

- 4.5.2 Work platforms mounted on forklift trucks and not conforming to section 4.5.1 may be used for emergency or infrequent operations if they are secured to the fork carriage and meet the requirements of section 4.5.3.

**Guard Rails**

- 4.5.3 Elevating work platforms and all similar aerial platforms shall have
- (1) standard guardrails on all open sides or be enclosed to provide equivalent protection (toe-boards may be omitted at the access openings),
  - (2) guards to protect the occupants from the elevating machinery, and
  - (3) signs clearly indicating the safe maximum working load.

**Nondestructive Testing**

- 4.5.4 All vehicle mounted aerial devices and self-propelled boom-type elevating work platforms shall have critical components non-destructively tested by a qualified person prior to their introduction to a minesite, and at intervals not to exceed 12 months.

**Electrically Insulated Aerial Device**

- 4.5.5 Any aerial device or component thereof that is stated by the manufacturer as being electrically insulated shall be tested annually to ensure that it meets the requirements of CAN/CSA-C225-00 “Vehicle- Mounted Aerial Devices”.
- 4.5.6 Any defects found during the tests required by sections 4.5.4 and 4.5.5, shall be repaired in accordance with instructions issued by a professional engineer before being returned to service.

**Logbook**

- 4.5.7 A logbook shall be maintained for each vehicle- mounted aerial device and self-propelled boom-type elevating platform in which any defect, operating difficulty, inspection, test, maintenance, modification and repair work is to be recorded. All entries shall be dated and signed by the person responsible for the work.

**Mobile Equipment – Underground Mines****Mobile Equipment Underground**

- 4.6.1
- (1) The manager shall ensure that written procedures for the operation and maintenance of diesel-powered equipment are established.
  - (2) The fuel for a diesel engine shall conform with CAN/CGSB-3.16-99, “Mining Diesel Fuel,” Special- LS.

- (3) A minimum of 0.06 cubic metre per second of ventilating air for each kilowatt of power of the diesel-powered equipment operating shall be circulated by mechanical means through every workplace where diesel-powered equipment is operating.
- (4) Mobile diesel-powered equipment must not be left unattended while the engine is running.
- (5) When the operator parks mobile diesel-powered equipment, there must be a cool down period as established by the OHSC or the manufacturer's specification.
- (6) Subject to subsection (7), when the operator leaves a piece of diesel-powered equipment the master switch must be turned off.
- (7) If autonomous or semi-autonomous tracked or rubber-tired mobile equipment is parked in a designated parking area and the engine or power source is turned off, the master switch may be left on.

### General Requirements

- 4.6.2**
- (1) The manager must ensure that all underground mining mobile equipment introduced into service in an underground mine on or after the date this section comes into force complies with CSA Standard M424.0-2022 Underground mining mobile equipment – General requirements.
  - (2) The manager must ensure that underground mining mobile equipment introduced into service in an underground mine before the date this section comes into force complies with
    - (a) CSA Standard M424.0-2022 Underground mining mobile equipment – General requirements, or
    - (b) in the case of the equipment operating in
      - (i) an underground coal mine, with the general vehicle and machine requirements set out in CSA Standard CAN/CSA-M424.1-88, “Flame-Proof Non-Rail Bound Diesel-Powered Machine for Use in Gassy Underground Coal Mines”, or
      - (ii) an underground mine, other than a coal mine, with the general vehicle and machine requirements set out in CSA Standard CAN/CSA-M424.2-90, “Non-Rail Bound Diesel-Powered Machines for use in Non Gassy Underground Mines”.

### Trackless Diesel Powered Equipment

- 4.7.1 (1) The manager must ensure that trackless diesel-powered equipment, made for use in
- (a) underground coal mines, complies with CSA Standard M424.1-2022 Flameproof non-rail-bound diesel-powered machines for use in gassy underground coal mines, and
  - (b) underground mines other than coal, complies with CSA Standard M424.2-2022 Diesel-powered machines for use in non-gassy underground mines.
- (2) Subsection (1) (a) does not apply to trackless diesel-powered equipment, made for use in underground coal mines, if
- (a) the equipment is not used for cutting, digging and loading coal, and
  - (b) the manager, prior to the use of the equipment,
    - (i) makes health and safety procedures relating to the equipment,
    - (ii) updates the Mine Health and Safety Program, as set out in section 1.6.9 (1) (c), in relation to the health and safety procedures, and
    - (iii) submits a copy of the health and safety procedures to the chief inspector.

### Rubber-tired, Self-propelled Underground Mining Machines

- 4.7.2 The manager must ensure that rubber-tired, self-propelled underground vehicles used in underground mines comply with CSA Standard M424.3-2022 Braking performance – Rubber-tired, self-propelled underground mining machines.

### Self-propelled, Electrically driven, Non-rail-bound Mobile Machines

- 4.7.3 The manager must ensure that self-propelled, electrically driven, non-rail-bound mobile machines used in underground mines, other than coal, comply with CSA Standard M424.4-2022 Self-propelled, electrically driven, non-rail-bound mobile machines for use in non-gassy underground mines.

### Flammable Materials

#### General Requirements

- 4.8.1 (1) Oil, grease, liquid fuels, and other flammable materials shall not be kept or stored within 30 m of a shafthouse, mine portal or other mine opening, and the natural drainage from the storage area shall be away from the shaft or mine entrance.

- (2) Oil, grease, and flammable liquids used in an underground mine with a flashpoint below 52 degrees Celsius shall
    - (a) be transported and stored only in metal containers or receptacles or in portable plastic containers approved for petroleum fuels, and
    - (b) when stored underground, unless in an approved enclosure, be restricted to a sufficient quantity for
      - (i) the current day's work in the case of volatile, flammable liquids, and
      - (ii) 7 days in the case of oil and grease.
- 4.8.2**
- (1) No device for the generation of acetylene gas and no internal combustion engine that uses gasoline, propane or any other volatile substance as a fuel shall be used in an underground mine.
  - (2) Except when used for burning or cutting, propane or other similar fuel that is heavier than air when in a gaseous state shall not be allowed underground.
  - (3) When propane or other similar fuel that is heavier than air is being used underground for burning or cutting, the containers for the fuel shall be of a type certified under the *Energy Efficiency Act* and shall not have a capacity greater than 10 kg.
- 4.8.3** Flammable materials shall only be stored in areas approved by the manager and designed for such storage.

### Mobile Equipment

#### Rubber-tired and Tracked Mobile Equipment Maintenance

- 4.9.01**
- (1) The manager shall ensure that brake and steering systems on tracked or rubber-tired mobile equipment are maintained in safe operating condition through a regularly scheduled preventative maintenance program.
  - (2) Maintenance on braking and steering systems on tracked or rubber-tired mobile equipment shall be performed by or under the supervision of a certified person.
  - (3) Records of the maintenance under subsection (1) must be readily available for review by an inspector upon request.

#### Back-up Alarm

- 4.9.1**
- (1) The manager shall ensure that every unit of rubber tired mobile equipment in regular use at a mine in excess of 7000 kg gross vehicle weight is equipped with a "back-up" alarm which meets the requirements of SAE J-1446 and SAE J-994. Underground mobile equipment designed for bi-directional use shall be excluded from this requirement.

- (2) The alarm shall be clearly audible above the background noise at the workplace and it shall continue as long as the equipment is moving in reverse.
- (3) Mobile equipment operating in a mine may use a visual back-up alarm in place of an audible back-up alarm providing that the visual back-up alarm complies with the following criteria:
  - (a) the light shall be clearly visible above the usual daily light levels,
  - (b) actuation of the alarm shall be completely independent of the operator, and
  - (c) the light shall flash as long as the vehicle transmission is in the reverse position.

#### **Transmission Interlock**

- 4.9.2** Every unit of mobile equipment having a fluid drive transmission shall be equipped with an interlocking system, maintained in working condition, to prevent the unit from being started and put into motion unless the transmission selector is returned through the neutral position.

#### **Fire Extinguisher**

- 4.9.3** Every vehicle shall carry at least one fire extinguisher of adequate size and of the proper type.

#### **Vehicle Requirements**

- 4.9.4**
- (1) All rubber tired mobile equipment over 7000 kg gross vehicle weight shall have a minimum of two wheel chocks which shall be used whenever necessary.
  - (2) All mobile equipment shall have, maintained in working condition, the following:
    - (a) a firmly secured seat for the operator and any authorized passenger, well maintained in a comfortable, shock absorbing condition;
    - (b) approved safety seat belts;
    - (c) suitable clearance lights and reflectors;
    - (d) if an operator cab was provided as part of the original equipment package, or subsequently fitted, windshields, side and rear windows, and rear vision mirrors maintained to provide clear visibility, and the glazing material shall meet the specifications of ANSI Standard Z26.1 - 1990 "Safety Glazing Materials for Glazing Motor Vehicles."
  - (3) The manager must ensure that mobile equipment and non-self-propelled barges or dredges performing work where drowning may be a risk are equipped with a secondary egress that is designed for the purpose and does not impede the safe exit of the operator.



- 4.9.5** A vehicle, other than a vehicle used directly for production in an operating open pit, shall, additional to that equipment required for highway driving, be equipped with
- (1) a whip antenna that is fitted with a flag and lamp high enough to be visible to the drivers of all production vehicles, or
  - (2) a flashing light mounted above the cab of the vehicle.

#### **Modifications Respecting Mobile Equipment Where Drowning May Be a Risk**

- 4.9.5.1** The manager must ensure that, if one or more parts of mobile equipment or non-self-propelled barges or dredges performing work where drowning may be a risk have been modified, and the modification may affect the safe operation of the mobile equipment or non-self-propelled barge or dredge, a qualified professional approves the modification before the mobile equipment or non-self-propelled barge or dredge is used by workers.

#### **Fire Suppression For Underground Mines**

- 4.9.6**
- (1) All mobile equipment capable of containing more than 25 L of flammable fluids and used in underground mines shall be fitted with a manually activated multi-nozzle fire suppression system. Manual activation of the system shall be possible from each side of the machine and at the operator's station.
  - (2) Actuation of the fire suppression system shall also cause engine shutdown.
  - (3) Electric hydraulic diamond drills shall be equipped with
    - (a) a deflector shield between the hydraulic pump and the motor, and
    - (b) a temperature probe in the hydraulic oil, which will shut down the drill if oil temperature reaches 65 degrees Celsius.

#### **Transportation of Persons**

- 4.9.7** The manager shall ensure that vehicles regularly or primarily used as personnel carriers are suitable for the intended purpose.

#### **Personnel Carriers and Hazardous Materials**

- 4.9.8**
- (1) Every personnel carrier shall be inspected each day by an authorized person before being used to transport persons, and if any defects are found which could affect the safe operation of the vehicle they shall be corrected before it is used.
  - (2) Where it is necessary to transport hazardous materials on a personnel carrier at the same time as persons, the materials shall be in an isolated compartment, adequately ventilated and drained, and accessible only from outside of the vehicle. If the compartment is inside the vehicle, it shall be separated from the passenger section by an approved firewall.

**Data Plate**

- 4.9.9** (1) No truck or loader shall be operated within a mine unless there is affixed to the inside of the cab, at a place clearly visible to the operator, a nameplate of the vehicle manufacturer showing the serial number and maximum rated load capacity of the vehicle.
- (2) Where a truck, scraper or any other rubber tired vehicle, has a gross vehicle weight in excess of 45,000 kg, the name plate referred to in subsection (1) shall also show the maximum allowable speeds at the rated gross vehicle weight that the retarder and/or braking system is designed to accommodate when traveling on
- the maximum downgrade on which the vehicle is designed to operate, and
  - not less than 2 other specified slopes between such maximum downgrade slope and level ground.

**Braking and Steering Modifications**

- 4.9.10** Every truck, loader or other rubber tired vehicle having a manufacturer's gross vehicle weight in excess of 45,000 kg shall have any modification affecting the braking, steering or resulting in an increase to the gross vehicle weight be approved by the chief inspector.

**Rollover Protective Structures**

- 4.9.11** (1) A loader, grader, scraper, tractor, compactor roller, skidder, rough terrain fork lift, bulldozer, and off-highway haul truck introduced into service after July 1, 1991, shall be equipped with a rollover protective structure that conforms with any of the following standards
- Society of Automotive Engineers, Standard SAE-J1040 April 1988 "Performance Criteria for Rollover Protective Structures (ROPS) For Construction, Earthmoving, Forestry and Mining Machines,"
  - "Earthmoving Machinery Rollover Protective Structures – Laboratory Tests and Performance Requirements ISO 3471, or
  - Canadian Standards Association, Standard B352.095 "Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines."
- (2) Where the mobile equipment referred to in subsection (1) is designed mainly for underground use,
- a ROPS designed by a professional engineer shall conform to Clause 6 of CSA B352-M1980 but does not require physical testing, or

**Falling Object Protective Structures (FOPS)**

- a FOPS (Falling Object Protective Structures) canopy may be substituted for a ROPS canopy provided it is specifically approved by the chief inspector.

- (3) Side-by-side utility task vehicles (UTVs) or side-by-side all-terrain vehicles (ATVs) shall have a ROPS that conform to OSHA29 BFR1928.53 certified ROPS or Canadian Standards Association, Standard B352.095 or another standard as accepted by the chief inspector.
- 4.9.12** (1) The following information shall be permanently marked on rollover protective structures
- (a) the name and address of the manufacturer or the registered professional engineer who certified the ROPS,
  - (b) the model,
  - (c) the make, model, and series of the machine for which the rollover protective structure is designed, and
  - (d) where the ROPS has been designed and constructed in accordance with section 4.9.11 (2), the notation “Underground Use Only” shall be added.
- (2) Seat belts of a type conforming with the recommended Practice of the Society of Automotive Engineers SAE-J-386 “Operator Restraint Systems for Off-Road Work Machines” shall be installed in all mobile equipment fitted with a rollover protective structure and the operator of the equipment shall wear the seat belt when operating the equipment.

#### **Rollover Protective Structures ROPS**

- 4.9.13** (1) No addition, modification, welding or cutting of a ROPS shall be permitted except in accordance with the instructions of a registered professional engineer and all modified ROPS shall be permanently marked to show the modifications made, the date of recertification and the name and address of the certifying engineer.
- (2) A registered professional engineer may re-certify a damaged, deformed or deteriorated ROPS, after repairs have been made, if the registered professional engineer is satisfied that the structural integrity has not been impaired.
- (3) ROPS shall be designed and fitted so as not to restrict the operator’s field of vision

#### **Tires and Rims**

- 4.9.14** (1) The manager shall ensure that procedures are in place for the inspection and any work on tires and rims of equipment.
- (2) A tire shall not be installed on any damaged, broken, bent or heavily rusted rim assembly and mismatched parts of rims and wheels shall not be used.
- (3) No person shall work on tires and rims unless qualified.

**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.

**Brakes**

- 4.9.16** (1) Mobile equipment must have braking systems meeting the requirements of the following applicable standard, or other standard acceptable to the chief inspector:
- (a) Society of Automotive Engineers (SAE) Standard J/ISO3450 JAN 98, Earthmoving Machinery – Braking Systems of Rubber-Tired Machines – Systems and Performance Requirements and Test Procedures;
  - (b) Society of Automotive Engineers (SAE) Standard J1026 APR 90, Braking Performance – Crawler Tractors and Crawler Loaders;
  - (c) Society of Automotive Engineers (SAE) Standard J1472 JUN 87, Braking Performance – Roller Compactors;
  - (d) ANSI Standard ANSI/ASME B56.6-1992, Safety Standard for Rough Terrain Forklift Trucks;
  - (e) ANSI Standard ASME B56.1-1993, Safety Standard for Low Lift and High Lift Trucks.
- (2) When required by the inspector, an independent means of retardation shall be provided in addition to the requirements of subsection (1).

**Parking Brake**

- 4.9.17** Every motor vehicle shall be equipped with an effective, mechanically activated parking brake, the holding power of which is not affected by loss of fluid or air pressure from the braking system.

**Common Components**

- 4.9.18** On any vehicle where components that apply the service brakes and the emergency brakes are common, the components shall be arranged so that a failure in a common component does not reduce the capability of one of the systems to stop the vehicle safely.

**Brake Testing (Annual)**

- 4.9.19** (1) Trucks having a manufacturer's rated gross vehicle weight in excess of 45,000 kg shall be subjected to downgrade braking tests such that at least once a year 50% of the fleet is tested, and every truck in the fleet is tested at intervals not exceeding 3 years. The tests shall be as follows:

- (a) the vehicle shall be loaded to the manufacturer's maximum permissible gross vehicle weight,
- (b) the tests shall be conducted on a well-graded hard packed downgrade slope of uniform grade of between 8% and 10% or where there is no downgrade slope satisfying this condition, tests shall be conducted on the maximum downgrade slope over which the trucks are operated,
- (c) auxiliary retarding devices shall not be used during the brake tests, and
- (d) stopping distances shall be measured from the initial point of application of the service brakes to the final stopping position, from an initial speed of 40 km/h, and the minimum acceptable brake performance shall be as follows:

**Initial Speed 40 km/h**

| Grade | Stopping Distance |
|-------|-------------------|
| 10%   | 84 m              |
| 9%    | 76 m              |
| 8%    | 68 m (2)          |

Where a vehicle fails to meet the minimum brake performance standards specified under subsection (1) (d), it shall be removed from service until corrective measures have been taken and the vehicle meets the standard.

### Auxiliary Steering

- 4.9.20** (1) If wheeled mobile equipment having rated speed capability exceeding 20 km/h depends on engine power for steering and power failure will prevent the vehicle from being steered manually, a supplementary system shall be provided to enable the operator to steer to a controlled stop.
- (2) The supplementary steering system required by subsection (1) shall meet the requirements of Society of Automotive Engineers (SAE) Standard J1511 ISO5010 FEB 94, Steering For Off-Road, Rubber-Tired Machines.
- (3) When hydraulic accumulators are used to provide power to supplemental steering systems, they shall depressurize when the engine is deliberately shut down.

### Automatic Engine Shutdown

- 4.9.21** Where automatic engine shutdown devices are employed on vehicles, audible and visual alarms shall be installed in the operator's cab to warn the operator that an automatic engine shutdown is imminent.

## Railways

### Trains – Fitments

- 4.10.1** (1) All trains shall be equipped with suitable tail lights and clearance lights.
- (2) If trains are required to reverse, they shall be equipped with a suitable beam or flashing tail light and if they are to be reversed frequently and for lengthy distances, a procedure shall be followed which is acceptable to the inspector.
- (3) Every trolley locomotive shall be operated with the trolley pole in the trailing position, unless there is no room to reverse the pole, in which case speed shall not be more than walking speed.
- (4) A car shall not be pushed by a locomotive if material extends beyond the length of the car.
- (5) Each locomotive shall be equipped with suitable fire extinguishers.
- (6) Nothing shall be placed on the top of a locomotive unless it is necessary for its operation and, in that case, it shall be adequately secured, must not extend beyond the ends or sides of the locomotive or into the cab area, and must not obstruct the operator's view.
- 4.10.2** An engine, locomotive, or trolley car used for hauling material shall be equipped with
- (1) properly maintained headlights and clearance lights, and
- (2) an audible warning system, which shall be sounded by the operator to warn persons when they may be endangered by movement of the locomotive or train, and whenever the locomotive or train is about to move.

### Control Levers

- 4.10.3** Every storage battery and trolley haulage locomotive shall be equipped with a “deadman” control switch and with a control lever so installed that the lever cannot be removed when the power is on.

### Unattended Locomotives

- 4.10.4** (1) No person shall leave an electric haulage locomotive unattended unless the brakes have been set, the control lever placed in the park position, and the main switch placed in a non-operating position.
- (2) Subsection (1) does not apply if the locomotive is on automatic control and approval has been obtained from the chief inspector.
- (3) When operated by remote control or by an automated system, it shall be arranged that in the event of any failure of the control or system, the locomotive and cars will be brought to a stop immediately.

## Lock-Out Procedures

### Lock-Out Procedures

- 4.11.1** (1) The manager shall develop a lock-out procedure which includes but, is not limited to, the requirements of section 4.9.15 and sections 4.11.2 to 4.11.7 inclusive, and the manager shall ensure that all persons required to lock-out machinery or equipment are adequately trained in the procedure and that a written copy of it is made available to them.
- (2) Notwithstanding subsection (1) where a large number of persons is involved, the manager may develop a lock-out procedure, acceptable to an inspector that modifies the requirements of sections 4.11.4 and 4.11.5.
- (3) The lockout procedure developed in section 4.11.1(1) should address the event that a lock has not been removed and the shift has ended.

### Power to Be Cut Off

- 4.11.2** (1) Before any work is performed on electrical machinery or equipment, the main power source shall be disconnected, locked-out and tagged.
- (2) Where machinery or equipment to be worked on is powered by a source other than electricity, the power supply shall be shut off, locked-out and tagged. A means shall be provided to safely release the stored energy from the machinery or equipment before any work begins. If a valve in a pipe could leak and allow water, steam, compressed air or other potentially hazardous substance to reach persons working on the machinery or equipment, the pipe shall be blanked off, or otherwise isolated, in accordance with the lockout procedure.

### Locks and Tags

- 4.11.3** (1) Locks and tags shall be issued to each person who works on machinery or equipment that has to be locked out.
- (2) A lock issued to any person shall only be capable of being opened by that person's key except that where a number of locks are issued to a person for the person's sole use, they may be mastered to a single key.
- (3) Tags issued to individual persons shall contain space for the recording of the person's name, the type of work being performed, the date and time the work was started and the name of the supervisor in charge.

### Affixing and Removal of Locks and Tags

- 4.11.4** (1) Each person who works on machinery or equipment requiring to be locked out shall be responsible for affixing the person's own lock and tag to the lockout device and for removing them on the completion of the person's work.

- (2) The person who affixes the first lock in the lockout procedure shall, before the work begins, attempt to start the equipment or machinery to ensure that it is properly locked out.
- (3) A lock shall only be removed by the person who affixed it to the lockout device.

#### **Overlap Between Shifts**

- 4.11.5 (1) When machinery or equipment is locked out, employees coming on shift shall place their own locks on the lockout device before the employees going off shift remove theirs.
- (2) A supervisor may lockout the machinery or equipment during a shift change to allow employees going off shift to remove their locks.

#### **Procedure Before Work Recommences**

- 4.11.6 When work is completed on locked out machinery or equipment, and before any locks or tags are removed, all guards and other safety devices shall be replaced.

#### **Watchperson's Responsibilities**

- 4.11.7 In the event that the machinery or equipment cannot be locked out, a tag shall be affixed and a watchperson shall be posted at a location where the watchperson can prevent anyone from re-energizing the power supply and starting the machinery or equipment. The watchperson shall have no other duties at the time and the watchperson shall remain at the watchperson's post until told by the supervisor that the watchperson may leave.

### **Lifting Devices – General**

#### **(Bridge and Overhead Traveling Cranes, Monorails and Underhung Cranes)**

- 4.12.1 Electrical bridge and trolley conductors shall be located or guarded to prevent accidental contact by persons.
- 4.12.2 Each hoist shall have a device to prevent hook travel beyond the safe upper limit at all designed speeds.
- 4.12.3 Where electrically powered hoisting equipment is operated from cabs, means shall be provided in the cab for the operator to safely disconnect the main power supply under any load condition.

#### **Manually-Operated Hoists and Winches**

- 4.12.4 (1) A hand-operated hoist shall have a ratchet and pawl mechanism, load brake, or other means of safely holding the load at any height.
- (2) Crank operated winches, not fitted with automatic load brakes, shall have a means of preventing the crank handle from slipping off the crank shaft while hoisting. On such winches, under free wheel conditions, the crank handle shall be removed before the load is lowered.



**Mobile Cranes**

- 4.12.5 Mobile cranes shall be operated with their turntables level, except as permitted by the manufacturer. Level indicating devices shall be provided and used for this purpose.
- 4.12.6 (1) Outriggers, when deployed to meet load capacity chart requirements, shall be fully extended and secured against retraction. Outrigger beams shall be marked to indicate their fully extended position and jacks shall be extended sufficiently to bear the whole weight of the crane.
- (2) Outrigger floats shall be secured to the outrigger jacks when in use.
- 4.12.7 Mobile cranes shall be securely chocked on firm ground before any hoisting or lowering begins.
- 4.12.8 Where required by an inspector, any mobile crane that has a lifting capacity exceeding 10 t shall be equipped with a load weight indicator.

**Powered Hoists and Winches**

- 4.12.9 Air operated hoists and winches shall be supplied with air at sufficient pressure to ensure safe operation. Inadvertent disconnection of air supply hoses shall be prevented.

**Rigging and Slings – General**

- 4.12.10 All rigging and slinging work shall be conducted by, or under the supervision of, qualified persons who are familiar with all aspects of the work and with the proper signals.

**Cranes General**

- 4.12.11 A suitable non-destructive test shall be made by a person certified in accordance with the applicable standards of the Canadian General Standards Board 48-GP-4M, 48-GP-7M, 48-GP-8M, and 48-GP-13M on all rigid load carrying components of mobile cranes and bridge cranes greater than 10,000 kg capacity and any other cranes when required by the inspector, before being put in to service and at subsequent intervals not exceeding 12 months.

**Automotive Lifts and Other Vehicle Supports**

- 4.12.12 (1) An automotive lift or hoist shall meet the requirements of ANSI Standard ANSI/ALI B 153.1-1990, American National Standard for Automotive Lifts – Safety Requirements for the Construction, care, and Use, or other equivalent standard.
- (2) A shop crane, jack, axle stand, ramp or other type of vehicle support shall meet the requirements of the applicable section of ANSI Standard ASME PALD-1993, Portable Automotive Lifting Devices, or other equivalent standard.

- (3) The rated load capacity shall be marked on each automotive lift, hoist, axle stand, ramp, or other vehicle support and must not be exceeded.
- (4) If a device listed in subsection (3) is modified, or if the manufacturer's rated load capacity is not known, the rated load capacity shall be established by a professional engineer.

#### **Raise Climbers**

- 4.13.1**
- (1) A raise climber shall not be put into service unless all critical, load-bearing components of the complete assembly and accessories have been inspected and tested non-destructively by approved methods.
  - (2) Subsequent to installation, the tests required by 4.13.1 (1) shall be done at intervals not exceeding 12 months.
  - (3) A raise climber shall be:
    - (a) designed, maintained and operated in accordance with good engineering practice; and
    - (b) built and installed according with the design.

#### **Identification Plate**

- 4.13.2** Every raise climber shall have a durable and legible identification plate showing
- (1) the name of the manufacturer, the date of manufacture, the model number, and a serial number, and
  - (2) the maximum allowable speed and the maximum allowable load ratings as certified by the manufacturer or a professional engineer.

#### **Brakes Required**

- 4.13.3**
- (1) Raise climbers shall be equipped with at least 2 separate and independently operated service brakes, each capable of safely stopping and holding the conveyance under all rated conditions of load and speed.
  - (2) An automatic overspeed brake shall be installed that is capable of bringing the conveyance to a safe stop under any rated load condition from a predetermined overspeed.
  - (3) Each brake or braking system shall be capable of being tested independently.
  - (4) Where electro-mechanical brakes are installed, they shall be actuated immediately if the power supply to the climber is interrupted.

- 4.13.4** Repealed.

#### **Controls**

- 4.13.5** An emergency switch shall be provided in the cab of every electrically operated raise climber that will cut off the power supply to the drive

motors if the main control contactor fails to open, or in any other emergency situation.

### Electric Fittings

- 4.13.6** (1) All electrical equipment, including switches, connectors, wiring and cables shall be designed, installed and weather-proofed to ensure the safety of the raise climber under any operating conditions.
- (2) An electrically powered raise climber shall not be operated in excess of 750 v, and shall be protected by a ground fault system.

### Raise Climber Platforms

- 4.13.7** (1) No one is to ride on the platform of a raise climber while traveling to the face, and where the inclination of a raise is greater than 60 degrees, a substantial cover shall be provided and shall be used when so directed by the supervisor or at the discretion of the worker.

### Anchoring of Work Platform

- (2) A work platform shall be securely anchored to the raise climber guides or rails while persons are working on the platform.
- (3) Unless otherwise approved by the chief inspector, only one raise climber conveyance shall be installed in any raise.

### Bolts to Be Torqued

- 4.13.8** All bolts used in the assembly of a raise climber shall be of the proper grade and size, as specified by the manufacturer. The bolts shall be correctly torqued in accordance with the manufacturer's specifications and no defective or damaged bolts shall be used. All exposed bolts, and other components, shall be adequately protected against falling rock.
- 4.13.9** Only racks and pinions supplied by the raise climber manufacturer, or certified by a professional engineer, shall be used.

### Modifications to Be Approved

- 4.13.10** Modifications designed to increase the capacity or speed of a raise climber, or modifications that could affect the load carrying capacity of a raise climber or a work platform, shall not be made unless approved by the manufacturer or a professional engineer.

### Communication Required

- 4.13.11** An effective means of communication shall be provided between a raise climber conveyance and the base from which it operates.

### Limit of Travel Stops

- 4.13.12** (1) Whenever a raise climber is operating, the end of the track on which it travels shall be provided with a stop block to prevent the conveyance from being taken beyond the track.

- (2) All permanent, electrically driven raise climber installations shall be provided with devices which will automatically stop the conveyance at the upper and lower limits of travel.

#### **Qualified Persons to Maintain Equipment**

- 4.13.13** (1) The manager shall appoint qualified persons to establish mechanical and electrical maintenance schedules for each raise climbing installation, and to ensure that these are carried out in accordance with the manufacturer's recommendations and the provisions of the code.

#### **Records to Be Kept**

- (2) A record of all prescribed tests, inspections, repairs, and maintenance work carried out, and any defects, damage or problems noted during the inspections or tests, shall be entered in a Raise Climber Logbook which shall be kept at the mine.

#### **Logbook**

- (3) All entries in the logbook shall be dated and signed by the person who carried out the work, and the supervisor having charge of the installation shall check and countersign the entries at least once each week.

#### **Daily and Weekly Checks**

- 4.13.14** (1) A mechanic shall check an operating raise climber each day to ensure it is operating normally.
- (2) The brakes and controls of a raise climber shall be tested prior to first being used during a workshift. The calibration indicator on the overspeed brake shall be checked daily.
  - (3) Before recommencing operations after a prolonged shutdown, a full inspection of the complete installation shall be carried out by authorized persons.

#### **Fire Extinguisher**

- 4.13.15** Every raise climber shall be provided with a suitable fire extinguisher.

#### **Emergency Procedures**

- 4.13.16** (1) Means shall be readily available to enable persons to descend, if trapped in a raise climber conveyance up a raise, in the event of a power failure or other emergency situation.
- (2) The manager shall ensure that operators of raise climbers and, any other persons who would be involved in an emergency descent of trapped persons, are trained in the use of the emergency equipment.

### Temporary Work Platforms – General

#### Scaffold Requirements

- 4.14.1** Where scaffolding or temporary work platforms are used, they shall be constructed and maintained in accordance with WCB Occupational Health and Safety Regulation 13.

#### Persons Not Allowed to Ride

- 4.14.2** No person shall ride on loads, slings, hooks, work platforms, or other similar equipment, unless specifically authorized by the manager, and the authorization shall not be granted for reasons of expediency or personal convenience, but only where it is necessary to the work process, and only when the provision of the normal means of access or conveyance is impracticable.

#### Requirements

- 4.14.3** Unless provided elsewhere in the code, work platforms suspended from hoisting equipment shall
- (1) be designed by a professional engineer and copies of the design and fabrication drawings shall be kept at the mine,
  - (2) be equipped with standard guardrails and toe boards on all open sides or be enclosed to give equivalent protection,
  - (3) be clearly marked with an identification number, the weight of the platform and rigging and the safe working load of the platform,
  - (4) have supporting hooks and shackles latched or moused to prevent dislodgement, and
  - (5) not use spreader bars between the load hook and the platform.

#### Requirements

- 4.14.4** Work platforms suspended from hoisting equipment shall
- (1) be such that the weight of the platform and rigging plus the safe working load of the platform shall not exceed 1/4 of the safe working load of the hoisting equipment,
  - (2) have all suspension slings and attachments rigged to provide a safety factor of not less than 10. The platform shall be designed with a safety factor of 4,
  - (3) be suspended from cranes having power booms or fixed booms and from hoisting gear capable of lowering under power, and hoisting and lowering speeds shall be kept as low as practicable and lowering of persons shall only be performed under power,
  - (4) have power hoists and winches of a type approved for such purpose by the manufacturer,

- (5) have dogs in the hoisting equipment drive mechanism secured against inadvertent disengagement,
- (6) have a designated person on the platform direct all movement of the platform, and
- (7) have persons on the platform wear safety harnesses with lanyards secured to a substantial anchorage on the platform.

#### **Crane or Hoist Operations**

- 4.14.5** A crane or hoist shall be operated by a qualified and authorized person whenever a person is on a suspended platform and the operator shall remain at the controls while the platform is suspended.

#### **Boom Cranes**

- 4.14.6** (1) Telescoping-boom cranes used to suspend a work platform shall incorporate an “Anti-Two Block” device referenced in CSA Standard Z150-1974 “*Safety Code for Mobile Cranes.*”
- (2) Non-telescoping boom cranes used with suspended work platforms shall be equipped with an anti-two block warning device which alerts the crane operator before a two block situation occurs. The warning shall be activated when the load hook from which the platform is suspended is within 2 m of the boom sheave.

#### **Inspection**

- 4.14.7** Every suspended work platform shall be regularly inspected by an authorized person, as often as necessary to ensure that it can safely handle its rated load, and if any defect or doubtful condition is noted, the platform shall not be used until
- (1) repairs or corrective action has been taken, and
  - (2) the load carrying components have been nondestructively tested and the platform re-inspected.

#### **Logbooks**

- 4.14.8** A logbook shall be maintained for suspended work platforms in which all tests, inspections, maintenance work and repairs shall be recorded. All entries shall be dated and signed by the person responsible for the work.

#### **Construction – General**

- 4.15** Construction shall be carried out in accordance with instructions of a qualified person and in compliance with WCB Occupational Health and Safety Regulations, Part 20.

### Tilt-Up and Pre-Cast Building Construction

- 4.16 Tilt-Up construction is planned and carried out in accordance with good engineering Practice.

### Excavations

#### Instructions of a Professional Engineer

- 4.17.1 All excavation work shall be carried out in accordance with the written instructions of a professional engineer where
- (1) the excavation is more than 6 m deep,
  - (2) timber shoring is used in excavations exceeding 3.7 m in width, or
  - (3) improvements or structures adjacent to the excavation could endanger persons, or
  - (4) the excavation is subjected to vibration or hydrostatic pressure.

#### Certification by a Professional Engineer

- 4.17.2 The written instructions required by section 4.17.1 shall be signed and certified by the professional engineer and be available at the workplace. They shall describe the supporting or sloping requirements and indicate the sub-surface conditions likely to be encountered.

#### Manager's Requirement

- 4.17.3 The manager shall ensure that no person enters any excavation over 1.2 m in depth unless
- (1) the sides of the excavation are sloped to a safe angle not exceeding 3 horizontal to 4 vertical, or
  - (2) the sides have been supported in accordance with the minimum requirements specified in Tables 17.1 and 17.2 of this part, or
  - (3) the sides have been sloped or supported in accordance with the written instructions of a professional engineer.

#### Combination of Sloping and Shoring

- 4.17.4 When a combination of sloping and shoring is used, the protection provided to persons shall be equivalent to that meeting the minimum code requirements for the overall depth of the excavation.

#### Use of Lumber for Shoring and Timbering

- 4.17.5 Lumber used for shoring and timbering shall be #2 grade and better, and species to be limited to the following groups: Douglas Fir-Larch, Hem-Fir, Spruce-Pine-Fir or Coast Sitka Spruce. All lumber shall be graded to the National Lumber Grades Authority Rules or other grading rules approved by the chief inspector.

**Shoring Contact With Faces of Excavation**

- 4.17.6 Shoring or manufactured or prefabricated support systems shall be installed in firm contact with the faces of the excavation. Any voids shall be backfilled or blocked.

**Hydraulic or Pneumatic Jacks**

- 4.17.7 Hydraulic or pneumatic jacks shall have devices which maintain the jacks at their installed length in the event of a loss of internal pressure.

**Steel Trench Jacks**

- 4.17.8 Steel trench jacks, with minimum equivalent sizes as shown below, may be substituted for timber struts:

| Diameter | Nominal Strut Size<br>Inches (mm) | Nominal Pipe<br>Inches (mm) |
|----------|-----------------------------------|-----------------------------|
| (38)     | 4×4 (89×89)                       | 1.5 Standard                |
| (50)     | 4×6, 6×6 (89×140,<br>140×140)     | 2.0 Standard                |
| (76)     | 6×8, 8×8 (140×184,<br>184×184)    | 3.0 Standard                |

**Use of Plywood**

- 4.17.9 Plywood may be substituted for 50 mm (2") shoring elements provided that
- (1) the plywood is not less than 19mm (3/4") in thickness,
  - (2) the trench is not over 2.7 m in depth,
  - (3) uprights are installed at no more than 600 mm center to center, and
  - (4) struts do not bear directly on to plywood

**Ladder to Be Kept**

- 4.17.10 A ladder shall be kept in the immediate area of persons working in any excavation over 1.2 m deep.

**Requirements Prior to Starting Excavation or Drilling**

- 4.17.11 Prior to starting excavating or drilling, the location of underground utility services in the area shall be accurately determined to ensure persons are not endangered.

**Pointed Tools**

- 4.17.12 Pointed tools shall not be used to probe for underground gas and electrical services.



**Surrounding Equipment and Objects**

- 4.17.13 Trees, utility poles, rocks and similar objects near an area to be excavated, shall be removed or secured before excavation is commenced.

**Excavated Material**

- 4.17.14 Excavated material shall be kept back a minimum distance of 1 m from the edge of any trench excavation less than 3.6 m wide. In any other excavation, the minimum distance shall be 1.5 m.

**Danger of Persons Falling Into Excavation**

- 4.17.15 Where there is a danger of persons falling into an excavation, it shall be covered, or standard guardrails or barriers shall be placed along the exposed sides.

**EXCAVATIONS OVER 1.2 M IN DEPTH**  
**TABLE 17.1**  
**SIZE AND SPACING OF MEMBERS (IMPERIAL UNITS)**

| UPRIGHTS                                  |                            |                        | WALES                      |                                 | STRUTS                  |                      |                 |                   |  |
|---|----------------------------|------------------------|----------------------------|---------------------------------|-------------------------|----------------------|-----------------|-------------------|--|
| Trench Depth (feet)                       | Minimum Dimension (inches) | Maximum Spacing (feet) | Minimum Dimension (inches) | Maximum Vertical Spacing (feet) | Min. Dimension (inches) |                      | Maximum Spacing |                   |  |
|   |                            |                        |                            |                                 | Trench Width up to 6'   | Trench Width 6 - 12' | Vertical (feet) | Horizontal (feet) |  |
| <b>Hard and Solid Soils</b>               |                            |                        |                            |                                 |                         |                      |                 |                   |  |
| 4-10                                      | 2×10                       | 6                      | 4×6                        | 4                               | 4×4                     | 6×6                  | 4               | 6                 |  |
| 10-15                                     | 2×10                       | 3                      | 6×6                        | 4                               | 4×6                     | 6×8                  | 4               | 6                 |  |
| <b>Soils Likely to Crack or Crumble</b>   |                            |                        |                            |                                 |                         |                      |                 |                   |  |
| 4-10                                      | 2×10                       | 3                      | 4×6                        | 4                               | 4×6                     | 6×6                  | 4               | 6                 |  |
| 10-15                                     | 2×10                       | 3                      | 6×8                        | 4                               | 6×6                     | 6×8                  | 4               | 6                 |  |
| <b>Soft, Sandy, Filled or Loose Soils</b> |                            |                        |                            |                                 |                         |                      |                 |                   |  |
| 4-10                                      | 2×10                       | Close tight            | 6×8                        | 4                               | 6×6                     | 6×8                  | 4               | 6                 |  |
| 10-15                                     | 2×10                       | Close tight            | 8×8                        | 4                               | 6×8                     | 6×8                  | 4               | 6                 |  |

**NOTES:**

- Wales may be omitted in trenches not exceeding 8 feet (2.44 m) in depth provided the soil is sufficiently hard and solid to safely permit wale deletion and the trench is not in proximity to previously excavated ground.
- At least 2 struts shall be installed in each vertical plane where struts are required.

**EXCAVATIONS OVER 1.2 M IN DEPTH**  
**TABLE 17.2**  
**SIZE AND SPACING OF MEMBERS (S.I. [METRIC] UNITS)**

| UPRIGHTS                                  |                        |                          | WALES                  |                                   | STRUTS                   |                        |                   |                     |
|---|------------------------|--------------------------|------------------------|-----------------------------------|--------------------------|------------------------|-------------------|---------------------|
| Trench Depth (metres)                     | Minimum Dimension (mm) | Maximum Spacing (metres) | Minimum Dimension (mm) | Maximum Vertical Spacing (metres) | Min. Dimension (metres)  |                        | Maximum Spacing   |                     |
|   |                        |                          |                        |                                   | Trench Width up to 1.8mm | Trench Width 1.8-3.7mm | Vertical (metres) | Horizontal (metres) |
| <b>Hard and Solid Soils</b>               |                        |                          |                        |                                   |                          |                        |                   |                     |
| 1.2-3                                     | 38×235                 | 1.8                      | 89×140                 | 1.2                               | 89×89                    | 140×140                | 1.2               | 1.8                 |
| 3-4.6                                     | 38×235                 | 0.9                      | 140×140                | 1.2                               | 89×140                   | 140×191                | 1.2               | 1.8                 |
| <b>Soils Likely to Crack or Crumble</b>   |                        |                          |                        |                                   |                          |                        |                   |                     |
| 1.2-3                                     | 38×235                 | 0.9                      | 89×140                 | 1.2                               | 89×140                   | 140×140                | 1.2               | 1.8                 |
| 3-4.6                                     | 38×235                 | 0.9                      | 140×191                | 1.2                               | 140×140                  | 140×191                | 1.2               | 1.8                 |
| <b>Soft, Sandy, Filled or Loose Soils</b> |                        |                          |                        |                                   |                          |                        |                   |                     |
| 1.2-3                                     | 38×235                 | Close tight              | 140×191                | 1.2                               | 140×140                  | 140×191                | 1.2               | 1.8                 |
| 3-4.6                                     | 38×235                 | Close tight              | 191×191                | 1.2                               | 140×191                  | 140×191                | 1.2               | 1.8                 |

Notes on Table 17.1 apply to Table 17.2

### Miscellaneous Hoisting Equipment

#### Miscellaneous Hoisting Equipment Requirements

**4.18.1** Except as otherwise specified in the code, all cranes, derricks and similar hoisting equipment, shall be designed, constructed, erected, disassembled, maintained, and operated in accordance with the requirements of the manufacturer's specifications and instructions, and the following applicable standards, as amended from time to time

- (1) Crane Manufacturers' Association of America, Inc. "Specifications for Electric Overhead Traveling Cranes", CMAA Specification #70, 1988,
- (2) ANSI B-30.2-1990, "Overhead and Gantry Cranes,"
- (3) ANSI B 30.11-1993, "Monorail Systems and Underhung Cranes,"
- (4) CSA Standard Z248-1975 "Code for Tower Cranes,"

- (5) CSA Standard Z150-1974 “*Safety Code for Mobile Cranes,*”
- (6) ANSI ASME B30.7, 1994, “Base Mounted Drum Hoists,
- (7) ANSI B30.16,-1993, “Overhead Hoists,”
- (8) ANSI B30.6,-1990, “Derricks,”
- (9) CSA Standard CAN/CSA-Z256-M87, “*Safety Code for Material Hoists.*”

### Safe Working Load

- 4.18.2** Where the origin or the safe working load of a crane, derrick, or similar hoisting equipment cannot be ascertained, or its continued safe use cannot be assured, the equipment shall be re-certified by a professional engineer.

### Professional Engineer’s Certification

- 4.18.3** Any modification, manufacture, or repair of a structural element or component of a crane, derrick, or hoist shall be approved by the original manufacturer, or carried out under the direction of a professional engineer who shall certify the work performed.

### Manufacturer’s Manual

- 4.18.4** The manufacturer’s manual for cranes, derricks, and similar hoisting equipment shall be available at the place where the equipment is used. The manual shall show the approved methods of erection, dismantling, operation, adjustment, and maintenance of the component parts and the assembled equipment.

### Maintenance History

- 4.18.5** The manager shall maintain, or obtain a copy of, a file or record of the maintenance history of the following powered hoisting equipment used at the minesite
- (1) overhead traveling bridge and gantry cranes,
  - (2) tower cranes,
  - (3) stiff leg, guy, A-frame and gin-pole derricks,
  - (4) material hoists, and
  - (5) mobile cranes, draglines, and other hoisting equipment of more than 1800 kg (4,000 lbs.) capacity.

### Logbook

- 4.18.6** (1) A logbook shall be provided and maintained for each unit of equipment listed in section 4.18.5. All inspections, modifications, maintenance and repair work shall be recorded in the logbook, and dated and signed by the person who did the work.
- (2) Any person involved in the operation of the hoisting equipment shall be responsible for recording in the logbook, any defect or operating

difficulty that the person notices, and reporting the matter to the person's supervisor.

- (3) The supervisor shall examine, date and sign the logbook, at least weekly, to ensure the required entries have been made.

#### **Name, Model and Serial Number**

- 4.18.7** The name, model, and serial number assigned by the manufacturer shall be clearly visible and legible on every crane, hoist, and derrick.

#### **Permanent Sign**

- 4.18.8** (1) A permanent, clearly visible, and legible sign shall be affixed to each crane, derrick, and hoist showing the safe working load.
- (2) The safe working load shall be marked on the load block and superstructure of hoisting equipment and shall be maintained in a legible condition.
- (3) The safe working load shall not exceed the safe working capacity of any component in the hoisting system, including the supporting structure.
- (4) Subsections (1) and (2) do not apply when the safe working load is affected by
  - (a) the length of a boom or jib, or its vertical or horizontal angle, or
  - (b) the position of a load-supporting trolley, or
  - (c) the use or position of outriggers to increase the stability of the unit.
- (5) Where the safe working load is affected by the factors listed in subsection (4), a separate load chart showing the safe working loads in all possible working positions and configurations shall be permanently posted on the equipment or issued to the operator of the equipment. The operator shall keep the load chart in a legible condition and have it available at all times when operating the equipment.

#### **Angle of Boom and Radius Lift**

- 4.18.9** (1) Every crane, derrick, and similar hoisting equipment with a boom that can be moved in a vertical plane shall be provided with a device to indicate the angle of the boom or the radius of the lift.
- (2) Telescoping booms shall be suitably marked to indicate the amount of boom extension or be provided with boom extension indicators.
- (3) Devices installed in accordance with subsections (1) and (2) shall be clearly visible from the operator's location.

#### **Controls**

- 4.18.10** (1) Each control for a crane, derrick, or hoist shall be clearly marked to show its function.

- (2) All bridge, gantry, and overhead traveling cranes operated by pendant or radio controls shall have signs on the crane structure, visible to an operator, clearly indicating the direction of hook, bridge, and trolley motions, compatible with those marked on the controls.

### Radio Control Systems

**4.18.11** Radio control systems shall meet the following requirements:

- (1) they shall be designed to prevent movement of hoisting equipment except in response to actuation of the control devices, and only when all safety circuits are closed,
- (2) provisions shall be made to maintain a signal-to-noise ratio of 10 to 1,
- (3) multiple signals shall be generated by a minimum of two channels or by a coded single channel,
- (4) where a code is used, two parts of the code shall be required for safety, neither of which can be easily generated from ambient signals, and a further information bit shall also be required to distinguish each signal,
- (5) where two or more units may be operated in contact with each other, a further code signal shall be required to identify each unit and prevent response by other than the instructed unit, and
- (6) the system manufacturer shall certify that the radio controlled system meets the above requirements.

### Protection of Hoisting Equipment Operators

- 4.18.12**
- (1) Hoisting equipment operators shall be protected against heat, cold, flying, or falling objects or other adverse or dangerous conditions that could endanger them.
  - (2) Operator cabs shall afford protection from the weather and from overhead hazards. Windows shall be of safety glass or other material providing equivalent protection.
  - (3) A fire extinguisher, having a ULC rating of at least 5BC shall be immediately available to the operator of each cab-equipped crane.

### Miscellaneous Hoisting Equipment – Operation

#### Crane Operators

- 4.19.01**
- (1) On or before June 1, 2018 operators of mobile cranes, boom trucks, folding boom and tower cranes performing critical lifts as defined in section 14.1 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, shall have a valid crane operator certification issued by a certifying agency acceptable to the chief inspector.

- (2) On or before June 1, 2018, the manager shall ensure that workers performing occasional hoisting operations using mobile cranes, boom trucks, folding boom and tower cranes with a rated capacity equal to or greater than five tons or with a boom length of 25 feet or greater at a mine site are certified to Level D or equivalent of the British Columbia Crane Safety Association.
- (3) The certification documents referred to in subsections (1) and (2) must be readily available for review by an inspector.

### **Operator's Inspection**

- 4.19.1** The operator shall inspect the hoisting equipment at the beginning of the operator's shift and test the limit switches, brakes, circuit breakers, and other control and safety devices. If any defects or problems are noted, the operator shall notify the operator's supervisor and the equipment shall not be operated until the defects or problems have been corrected and authorization received from the supervisor.

### **Audible Warning Signal**

- 4.19.2** An effective audible warning signal shall be provided on any hoisting equipment and operators shall ensure the signals are used as required.

### **Boom Stops**

- 4.19.3** Where the design of a crane, derrick, or similar hoisting equipment is such that the boom could fall over backwards, positive boom stops shall be installed. In addition, a device shall be provided to automatically stop the hoisting of a boom when it reaches a predetermined angle.

### **Operator's Requirements**

- 4.19.4** The operator of hoisting equipment shall
- (1) not attempt to hoist any load if the operator has any doubt that it can be safely handled, but the operator shall inform the operator's supervisor who will determine what action is required,
  - (2) ensure a load being handled does not contact the boom and that the boom does not contact any structure or equipment,
  - (3) ensure the load block is suspended directly over any load being handled,
  - (4) ensure the loads shall be safely landed, supported, and stabilized before being unhooked, and
  - (5) not leave the controls of any hoisting equipment while a load is suspended.

**Traveling With a Suspended Load**

- 4.19.5** (1) When a crane is traveling with a suspended load, the operator shall ensure that the load is carried as close to the ground as possible and rigged, as necessary, to control swinging of the load.
- (2) When necessary, a person designated as a signaler shall walk ahead of the moving load to warn persons to keep clear.

**Authorized Person**

- 4.19.6** (1) All loads shall be slung or hooked by an authorized person.
- (2) Whenever the operator does not have an unobstructed view of the load hook and load throughout the whole range of the hoisting operation, the operator shall act only on the directions of an authorized signaler.
- (3) Effective communication systems shall be used when weather conditions or distance render the use of hand signals impracticable or unsafe.

**Contact With an Energized Electrical Conductor**

- 4.19.7** Hoisting equipment, which has been in contact with an energized electrical conductor or struck by lightning shall be removed from service and not returned until safe use has been assured by a professional engineer.

**Distance From High Voltage Conductors**

- 4.19.8** No work shall be performed nor shall machinery, equipment, tools, or materials be used or stored within the following specified minimum distances from any high voltage electrical conductor or equipment capable of energizing the material or equipment.

| <b>Voltage (phase to phase)</b> | <b>Min. Distance</b> |
|---------------------------------|----------------------|
| 751 v to 75 kv                  | 3 m (10 ft)          |
| Over 75 kv to 250 kv            | 4.6 m (15 ft)        |
| Over 250 kv to 550 kv           | 6 m (20 ft)          |

**Two or More Cranes Used on a Lift**

- 4.19.9** Where the use of two or more cranes, derricks and similar hoisting equipment is required in a lifting operation
- (1) the operation shall be under the direct supervision of an authorized person, be fully planned in advance and the plans communicated to all persons involved in the operation, and
- (2) effective communications shall be established and maintained between all persons involved, during the complete lifting operation.

**Loads Not To Be Passed Over Persons**

- 4.19.10 Loads shall not be passed over persons unless there is no practicable alternative, and then only after the persons have been warned of the danger.

**Rigging****Use of Riggings and Fittings**

- 4.20.1 Riggings and fittings shall be used only for the purposes for which they were designed and manufactured.

**Maximum Rated Loads**

- 4.20.2 Except as otherwise specified by this code
- (1) the maximum rated load of any rigging or rigging assembly shall be warranted by the manufacturer of the equipment or by a professional engineer, and
  - (2) the maximum rated loads shall not exceed
    - (a) one-fifth of the ultimate breaking strength of the weakest component of the rigging, or
    - (b) one-tenth of the ultimate breaking strength of the weakest component of the rigging, when the rigging is used as a means of supporting workers.

**Wedge Socket Connectors**

- 4.20.3 When a wedge socket connector is used as a wire rope terminal, the end of the rope shall be secured to prevent release of the wedge, or rope slippage at the socket.

**Open Hooks Not To Be Used**

- 4.20.4 Open hooks shall not be used where dislodgement of the load from the hook would endanger persons.

**Securement Against Dislodgement**

- 4.20.5 Shackle pins, heel pins, and similar devices shall be secured against dislodgement.

**Sheaves for Running Lines**

- 4.20.6 Sheaves for running lines shall have a means of retaining the rope in the sheave groove.

**Protection of Rigging Lines**

- 4.20.7 Rigging lines, slings, and other components shall be protected against cutting, chaffing, and abrasion.



**U-bolt Type Cable Clips**

- 4.20.8** When U-bolt type cable clips are used for fastening wire ropes, the U-bolt shall be installed so that it bears on the short or “dead” end of the rope and in accordance with the manufacturers specifications.

**Rope to Be Securely Fastened to the Drum**

- 4.20.9** Unless a rope is required to automatically disengage from a winding drum, it shall be securely fastened to the drum and not less than three full turns of rope shall remain on the drum at all times. A rope shall not be secured to the inside of a drum by knotting or by affixing cable clips.

**Removal of Hook From Service**

- 4.20.10** A hook shall be removed from service when
- (1) the original throat opening has increased by more than 15% as measured at the narrowest point, or
  - (2) it has twisted more than 10 degrees from its original plane, or
  - (3) it has cracks or other defects.

**Rigging Removal From Service**

- 4.20.11** Rigging shall be removed from service if it has contacted an electric arc, molten metal or other source of excessive temperature.

**Safe Working Load**

- 4.20.12** The safe working load of spreader bars and specialized lifting devices shall be certified by a professional engineer and clearly marked on the equipment.

## Slings

**Requirements**

- 4.21.1** Except for slings which are field assembled in construction operations and which do not have swaged or pressed fittings, all slings made of chain, fiber webbing, wire rope, or which use swaged or pressed fittings, shall at the time of their assembly be permanently and legibly marked with the safe working load and the manufacturer’s identification.

**Lang’s Lay Wire Rope Not to Be Used**

- 4.21.2** Lang’s Lay wire ropes shall not be used for slings.

**Chain and Chain Slings**

- 4.21.3** Chain and chain slings which have stretched or have links that are deformed, cracked, nicked, gouged, corroded, pitted, or burnt, shall be removed from service.

**Fiber Webbing Slings**

- 4.21.4 Fiber webbing slings with nicks, cuts, burns, or other damage or defect shall be removed from service.

**Removal of Wire Ropes From Service**

- 4.21.5 Wire ropes shall be removed from service when
- (1) in running ropes, 6 randomly distributed wires are broken in 1 rope lay, or 3 wires are broken in 1 strand in any 1 lay, or
  - (2) in standing ropes and slings, there are more than 2 broken wires in 1 lay in sections between the end fittings.

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## Application of Electrical Rules

### Codes and Standards

- 5.1.1 Unless modified by this code, all electrical equipment shall be installed, maintained and operated in accordance with CSA Standard M421 Use of Electricity in Mines, in conjunction with the *Canadian Electrical Code*, as amended from time to time.

### Electrical Work

- 5.1.2 Installation, alteration and maintenance work performed under section 5.1.1 shall only be performed by, or under the supervision of, a certified person.

## Notices and Information

### All Mines

- 5.2.1 (1) The manager shall develop a plan, approved by a registered electrical engineer, for the use of electrical energy at any mine, and the plan shall be forwarded to the chief inspector prior to the introduction of electricity at the mine. A plan shall also be required for any increases in capacity of an existing installation by more than 500 kva.
- (2) The plan referred to in subsection (1) shall show the areas at the mine where the electrical energy is to be transmitted and used, including schematic drawings.

### Underground Coal Mines and Hazardous Locations

- 5.2.2 Electrical energy used in an underground coal mine or in a hazardous location shall conform to the requirements of the *Canadian Electrical Code*.

### Underground Coal Equipment Certification

- 5.2.3 (1) The manager of a coal mine, when installing electrical equipment underground, shall
- (a) if the equipment is new, ensure that it has been certified as suitable for use in an underground coal mine by an accredited laboratory and complies with the relevant standards as produced by one of the following organizations and as accepted by the chief inspector:
- (i) Canadian Standards Association (CSA);
  - (ii) Natural Resources Canada (NRCan);
  - (iii) United States Mine Safety and Health Administration (MSHA);
  - (iv) International Electrotechnical Commission (IEC);
  - (v) International Organization for Standardization (ISO);

- (vi) European Committee for Electrotechnical Standardization (CENELEC).
- (b) If the equipment is not new and has been obtained from a source outside of the manager's control, ensure that it has been certified by an accredited laboratory and has been assessed and complies with one of the standards listed in paragraph (a) in its current configuration.

### Hazardous Locations

- 5.2.4** The manager shall ensure that all electrical equipment used in a hazardous location, as defined in the *Canadian Electrical Code*, is approved for use in such a location and for the specific gas, vapour, or dust that is or may be present.

## Inspection and Maintenance of Power Systems in Underground Coal Mines and Hazardous Locations

### Manager's Responsibility

- 5.3.1** The manager of a coal mine shall
- (1) develop an inspection and maintenance schedule for all electrical equipment in use underground or in any hazardous location, as defined by the *Canadian Electrical Code*, and
  - (2) designate qualified persons to make the inspections and carry out the maintenance as described in the approved schedule.

### Repair of Power System

- 5.3.2** At any place in an underground coal mine, or in any hazardous location where flammable gas could accumulate, the repair, adjustment, or replacement of electrical equipment shall only be carried out
- (1) after the equipment has been disconnected from the power supply and is electrically dead, and
  - (2) in a location where the electrician doing the work is satisfied that no dangerous concentration of flammable gas is present.

### Flammable Gas Warning

- 5.3.3** In any location where flammable gas could accumulate in dangerous amounts, the manager shall ensure that an approved automatic gas detector is available to continually monitor the air at that location. The monitor shall be of a type that will give an audible or visual warning whenever a predetermined percentage of flammable gas is present.

## Isolating Switchgear

### Isolating Underground Workings

- 5.4.1 Switchgear shall be installed at a convenient location on surface to provide the means for isolating all underground circuits. The operation of this switchgear shall be conducted by a qualified person.
- (1) Switchgear installed underground shall be built of non-combustible materials and fixed in a vertical position on a metal frame or plate.
  - (2) Switchboards located underground shall be recessed from haulways and have a floor on which water cannot accumulate.

## Trailing Cable Use and Repair

### Protective Equipment

- 5.5.1 Whenever a person is handling an energized trailing cable, the person shall use suitable protective equipment.

### Defective Cable

- 5.5.2 Damaged cables shall be inspected by a qualified person before they are returned to service, to ensure that they are in safe operating condition and defective cables shall be removed from service.

### Cable Repair

- 5.5.3 All permanent repairs to damaged trailing cables shall be made by a qualified person who shall examine and test the trailing cables before they are allowed to go back into service.

## Submersible Pumps

### Ground Fault Protection

- 5.6.1 A submersible pump that is supplied by a portable trailing cable shall be provided with ground fault protection to limit ground fault current to a maximum of 25 amps and automatically isolate the supply in the event of a ground fault.

## Supply Systems for Mobile Electrical Equipment

### System Testing

- 5.7.1 Supply systems for mobile electrical equipment shall be tested before being put into service, and at least once a year thereafter, in order to prove the effectiveness of the ground fault tripping and the ground conductor monitoring circuits.

**Record of Testing**

- 5.7.2 A record of the tests required under part 5.7.1 shall be kept at the mine and shall be available for examination.



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## Work System Approval

### Qualified Persons

- 6.1.1** (1) The mine manager shall ensure the design of the mine excavations, openings, support systems, fixtures, features, methods of operation and all other works necessary to operate a mine meet acceptable standards of practice and are carried out under the authority of a qualified person or persons.
- (2) At every underground mine the manager shall appoint a qualified person to be responsible for all aspects of ventilation in the mine.
- (3) The chief inspector may for the purposes of 6.1.1 require the qualified person to be a professional engineer or other licensed professional as may be appropriate.

## Notification

### Notice To Start Work

- 6.2.1** The manager shall give 10 days' notice to an inspector of intention to start work in, at, or about a mine, including seasonal reactivation.

### Notice to Stop Work

- 6.2.2** The manager shall give notice to an inspector of intention to stop work in, at, or about a mine, permanently, indefinitely, or for a definite period exceeding 30 days, and except in an emergency, the notice shall be not less than seven days.

## Manager – Underground

### Duty to Post Plans

- 6.3.1** (1) The manager of every underground mine shall post, or have posted, in a conspicuous place accessible to all persons working underground, a copy of the current emergency and rescue plan required by section 6.3.1(2), and a copy shall be sent to the OHSC.
- (2) An emergency and rescue plan of the workings of the mine, satisfactory to the manager and which is in general conformance to accepted standards of practice, on which the main routes of egress from the active workings, sites of all underground refuge stations, and ventilation as required in section 6.3.2(5).

### Copy for Inspection

- 6.3.2** The manager of an operating underground mine shall, upon request,
- (1) supply an inspector with an accurate and up-to-date copy of the plan of the underground workings,

- (2) a copy of the current emergency and rescue plan required by 6.3.1(2),
- (3) a separate underground plan of every level showing all workings, including shafts, tunnels, diamond drill holes, dams, bulkheads, electrical substations, explosives storage, shop areas, permanent seals and stoppings,
- (4) vertical mine sections at suitable intervals and azimuths, showing all shafts, tunnels, drifts, sloped roadways, rooms, stopes, diamond drill holes and the location of the top of the bedrock, surface of, and type of, the overburden and the bottom and surface of any known body of water or watercourse or material likely to flow,
- (5) ventilation plan showing the normal direction and volume of the main air currents and the location of permanent fans, ventilation doors, fire doors, stoppings and connections with adjacent mines, and
- (6) a plan indicating the position of all fixed electrical apparatus in the mine and the routes of all fixed power feeders and fixed branch feeders, properly rated and referenced, and the rating of all electrical feeder control apparatus and equipment.

#### **Shift Boss Responsibility for Plans**

**6.3.3** The manager shall ensure each shiftboss is provided with current development plans for the assigned area of responsibility indicating the size, dip and length of all development openings.

The plans shall:

- (1) Clearly indicate points where openings, adjacent, old or disused workings are or will be within 30m and 8 m of a breakthrough for the purposes of section 8.10.2.
- (2) Clearly indicate points where diamond drill holes may be within 8 meters of a mine opening.
- (3) Exploration drill holes that extend into mine travelways and work places from areas where blasting operations may take place shall be marked and effectively blocked.
- (4) Exploration drill holes shall have their collars located and the holes shall be plugged as required.

**6.3.4** The shiftboss shall ensure the mining crews are informed of those possible breakthrough points in accordance with section 6.3.3.

**6.3.5** The manager shall ensure that effective ground support systems are properly installed and maintained, and that a quality control program is in place to ensure that the ground support systems are installed and maintained according to the directions of a qualified person.

### Mine Shiftboss – General Rules

#### Examination of Workings

- 6.4.1** (1) All active workings shall be examined by the certified shiftboss or supervisor with assigned responsibility to ascertain that they are in a safe working condition, as often as the nature of the work necessitates.
- (2) All persons working underground shall have their work areas inspected by a shiftboss or supervisor at least twice per shift.
- (3) Subject to subsection (4), work areas containing underground autonomous or semi-autonomous tracked or rubber-tired mobile equipment must be inspected by the shiftboss or supervisor prior to employees entering the work area, or at least once per shift.
- (4) In an underground coal mine, the fireboss must conduct the workplace inspections required by subsection (3).

#### Daily Examination and Report Book

- 6.4.2** The person making the examination under section 6.4.1 shall before going off shift record all unusual and hazardous conditions and corrective actions taken or proposed in a daily examination and report book, and sign the report as a record of the conditions found. For underground mines the record shall include a report on each working place examined.
- 6.4.3** The report made under section 6.4.2 shall be read and countersigned by the corresponding supervisor on the oncoming shift and the unusual and/or hazardous conditions discussed with the workers before they are permitted to resume operations in the areas indicated in the record.

### Shiftboss – Surface Mine

#### Pit Face Area Safety

- 6.5.1** No work shall be carried on, at, or below a face or wall of a surface mine until that face or wall has been examined and declared safe by the shiftboss or, in the case of a mine with fewer than 6 employees, the supervisor.

#### Dump Block

- 6.5.2** A dump or stockpile area on the surface of a mine shall be examined by either the open pit shiftboss or a qualified person
- (1) before material is permitted to be dumped where dumping has not been carried on for a period of 4 hours or more, and
- (2) at least once and at intervals of not more than 4 hours during each shift when material is being dumped, and

- (3) the person who conducts the examination shall record the details of the examination and any reports from a dump person in the daily examination and report book referred to in section 6.4.2, and
- (4) communicate verbally any abnormal or hazardous conditions to the dump person.

### **Shiftboss – Underground**

#### **Records**

- 6.6.1** Every underground shiftboss shall record daily in the underground shiftboss's logbook any accumulation of flammable refuse and waste timber in the underground shiftboss's work area.

### **Fireboss – Underground Coal**

#### **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 the fireboss's 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.

#### **Reports**

- 6.7.2** A copy of the report required by 6.7.1 shall be signed by the fireboss, and a copy of it shall be posted at the surface of the mine.

#### **Weekly Inspections**

- 6.7.3** At least once in every week the manager shall cause a fireboss to examine all roadways, air courses, stoppings, sealings, overcasts, and wastes, with a suitable direct reading atmospheric testing device that is used, calibrated and maintained in accordance with the manufacturer's instructions, to make a report, and post a copy of it in accordance with section 6.7.2.

### **Mine Plans**

#### **Duty to Keep Plans Surface**

- 6.8.1** The manager shall keep at the mine site accurate plans that are updated in accordance with good engineering practice and are prepared on a scale that accords with good engineering practice, as follows

- (1) A surface plan showing the claims, licences or leases on which mining is being carried out, and all lakes, watercourses, naturally unstable ground, such as peat bogs or sloughs, main roads, railways, power transmission lines, buildings, shaft opening, adits, surface workings, diamond drill holes collared on the surface, dumps, dams, tailings ponds and their overflow channels, topographic contours, and any abandoned, adjacent or historical workings.
- (2) The manager shall ensure that a thorough search has been completed for the existence of the abandoned, adjacent or historical workings, the results of this search shall be provided to an inspector and a copy maintained at the minesite for inspection.

#### Failure to Post Plans

- 6.8.2** If the manager fails to provide the plans required by section 6.8.1, the chief inspector may have the mine surveyed and the plans prepared, and the costs of the survey and the preparation of the plans may be recovered from the owner or agent.

#### Traffic Control

- 6.8.3** The manager shall prepare traffic control procedures, showing the maximum allowable speeds for the vehicles in use, rules for passing, “stop” and “yield rules,” priority rules for various vehicles, rules for night operation, maximum operating grades, emergency run-off protection, shoulder barriers, and any other information that may be required to ensure the safe operation of all types of vehicles on the mine site.

### Mine Haul Road Design

#### Haulage Road Width

- 6.9.1** The manager shall prepare a plan pursuant to section 10 (1) of the *Mines Act* which
- (1) Shows the type and method of construction for haulage roads that are to be constructed at the mine site.
  - (2) Except for roads constructed prior to 1990, the manager shall ensure that haulage roads are designed, constructed and maintained to provide
    - (a) a travel width where dual lane traffic exists, of not less than 3 times, or where single lane traffic exists, of not less than 2 times the width of the widest haulage vehicle used on the road, and
    - (b) a shoulder barrier
      - (i) at least 3/4 of the height of the largest tire on any vehicle hauling on the road,
      - (ii) of a construction or a specification that is in general conformance to accepted engineering practice,

- (iii) located and maintained along the edge of the haulage road wherever a drop-off greater than 3 m exists, and
    - (iv) incorporating breaks that do not exceed the width of the blade of the equipment constructing and maintaining the breaks to allow for drainage and snow clearance.
  - (3) For the purpose of subsection (2) (a), the width of the barrier referred to in subsection (2) (b) shall be excluded from the travel width.

### Vehicle Runaway Protection

- 6.9.2** On roadways where the grade exceeds 5% the manager shall have installed and maintained runaway lanes or retardation barriers where conditions/risk warrant.

## Dumps

### Dumps, Roads and Ramps Manager's Responsibility

- 6.10.1** The manager shall require a qualified person to
- (1) prepare and maintain a plan pursuant to section 10 (1) of the *Mines Act*, consistent with good engineering practice for dumps, stockpiles, minor impoundments, roads, or ramps that are to be constructed as part of a dumping operation, the plan shall include monitoring for safety,
  - (2) ensure that the construction is in accordance with the plan and any modification to the plan that has been approved by the manager,
  - (3) communicate the accepted plan and any modifications to those persons responsible for and employed in the construction,
  - (4) where material is to be dumped from a vehicle into a bin, raise, or other opening, provide and maintain a barrier of sufficient size and strength and anchored sufficiently to prevent the vehicle from inadvertently entering the bin, raise, or opening,
  - (5) where dumping is prohibited or hazardous, prevent dumping by placing across the entrance a barrier sufficient to prevent access and a sign that reads "No entry for dumping purposes,"
  - (6) appoint qualified persons to act as dump persons, and
  - (7) prepare a procedure for controlling access to areas within the potential run-out zone of all dumps; this procedure will prohibit extended activities below active dumps and provide for a program of monitoring to allow work below inactive and dormant dumps, the procedure will include provisions for signage, work under adverse conditions and shall be reviewed annually.



**Respiratory Hazards**

- 6.10.2** (1) The mine manager shall ensure that there are no confined spaces connected to or in close proximity of waste dumps.
- (2) If the requirement of section 6.10.2(1) is impracticable, the mine manager shall have the structure, earthworks or culvert designed in accordance with established engineering practices such that no workers are at risk of exposure to deficient atmospheric oxygen.

**Underground Mine Design Features****Boundary Pillar**

- 6.11.1** A pillar of not less than 30 m shall be maintained on either side of a party boundary between adjoining underground mining properties.
- 6.11.2** The owners of adjoining properties may, by written agreement, waive the provisions of section 6.11.1, provided that they inform the chief inspector.
- 6.11.3** If the owners fail to reach an agreement under section 6.11.1 the chief inspector may, upon application from a manager, authorize the mining of a pillar.

**Shaft Pillars**

- 6.11.4** No stoping shall be done within 60 m of a shaft that is used for transporting persons, unless the mining plan has been prepared by a registered professional engineer and the mine manager has so authorized.

**Mine Openings****Two Exits**

- 6.12.1** Where an underground mine has been opened by means of an adit, tunnel, or shaft, a second or auxiliary exit shall be provided prior to production.

**Distance Between Exits**

- 6.12.2** An auxiliary exit shall not at any point be less than 30 m from the main entrance to underground workings of the mine and shall be separated by solid strata.

**Auxiliary Exit**

- 6.12.3** Before stoping is started in any part of a mine, a second or auxiliary exit shall be provided to the working place in that stoping block, or the mine manager shall ensure that a single exit would always be open.

**Ease of Travel**

- 6.12.4** An auxiliary exit shall afford easy passage and be provided with good and substantial ladders from the deepest working to the surface, or with hoisting apparatus, which shall constantly be available for use.

**New Mine**

- 6.12.5** Where an underground mine is being developed, shafts and raise openings to the surface shall be provided with a substantial collar secured to the bedrock, comprised of concrete, or other material that will perform in the same manner as concrete and is not expected to deteriorate.

**Refuge Stations****Location of Refuge Station**

- 6.13.1** Where a workplace in an underground mine is more than 300 m from a mine portal or from a shaft station which is used to access that workplace, the manager shall provide and maintain, in a suitable location for that workplace, a refuge station in accordance with section 6.13.3.

**Exemptions**

- 6.13.2** Section 6.13.1 does not apply to a mine under initial adit development or during shaft sinking operations.

**Construction and Equipping**

- 6.13.3** Every underground refuge station shall be
- (1) clearly identified, constructed of non-combustible material, and of sufficient size to accommodate all persons working in the vicinity,
  - (2) equipped with a supply of air, a supply of water, a means of communicating with the surface, a means of sealing to prevent entry of gas, and first aid equipment,
  - (3) equipped with a plan of the mine clearly showing all emergency exits, and
  - (4) located
    - (a) 100 metres from explosives magazines,
    - (b) 100 metres from flammable materials storage, and
    - (c) constructed or located in such a manner to prevent inadvertent entrance or damage by vehicles, or
  - (5) In the case of an underground coal mine the manager will establish at appropriate locations storage facilities with suitable equipment to allow for emergency exit from the mine.
- 6.14.1** Repealed.
- 6.14.2** Repealed.
- 6.14.3** Repealed.

### Track Haulage Systems

- 6.15.1** A track haulage system may be designated by the chief inspector as a railway and in that case, it shall be maintained and operated in accordance with the standards established under the *Railway Act*.

### Rail Haulage Clearances

- 6.15.2** Subject to section 6.16.2, where underground track haulage is used the following continuous minimum clearances between the vehicle and the sides of the roadway shall be maintained
- (1) 300 mm on one side and 600 mm on the other, and
  - (2) a minimum of 300 mm clearance shall be maintained above the head of a person traveling on the haulage vehicle and the roof of the roadway or any obstruction in it.

### Underground Mobile Equipment

#### Mobile Equipment Clearances

- 6.16.1** Where any mobile equipment is operating, a minimum clearance of 2 m in excess of the maximum width of the vehicle shall be maintained. The vehicle shall be fitted with an approved roll-over-protective structure ROPS or falling object protection structure (FOPS) and there shall be maintained a minimum clearance of 300 mm above ROPS or FOPS.

#### Reduced Clearances

- 6.16.2** An inspector may permit reduction of the minimum clearances set out in section 6.15.2 and 6.16.1, if safety stations are provided at such distances and under such conditions as the inspector approves.

### Safety Stations

- 6.17.1** The safety stations referred to in section 6.16.2 shall
- (1) be plainly marked,
  - (2) be clean and free of obstructions,
  - (3) be cut as close to perpendicular as is practical to the haulageway, and
  - (4) if made after 1990, be at least
    - (a) 1 m in depth, in addition to the clearance between the vehicle and the wall,
    - (b) the height of the roadway or 2 m whichever is least, and
    - (c) 1.5 m in width.

### Remote Control Operations and Emerging Technology

- 6.18.1** Before any equipment that can be moved by remote control is introduced at a mine, the manager shall

- (1) Provide, and have approved by the chief inspector, a plan showing that the system, device or controller is capable of operating only the specific piece of equipment it is designed to operate.
- (2) Ensure that other forms of energy are not capable of rendering the equipment inoperative causing uncontrolled activation or operation of the equipment.
- (3) The controller be equipped with a lock-out device that renders it inoperative when not in use.
- (4) Ensure the transmitter is equipped with an emergency stop mechanism that when activated applies the brakes and shuts down the equipment.
- (5) For mobile equipment, if the transmitter is hand held, is equipped with a device that automatically works in the same manner as the emergency stop mechanism if the transmitter is tilted more than 15% from the level position.
- (6) For fixed or tracked equipment a device which causes the machine to cease operating if controls are returned to the neutral position.

**6.18.2** Where remote controlled equipment is to be used at a mine the manager shall have established operating procedures which shall include

- (1) safe location for the operator,
- (2) allows for a clear view of the working area,
- (3) safe interaction between mechanical and remotely controlled equipment,
- (4) a method for recovering equipment which has broken down, and
- (5) if applicable, procedures to ensure contiguous operations do not interfere with remote signals.

#### **Requirements for a Project Management Plan**

- 6.18.3**
- (1) Prior to the use of an emerging technology, the manager must submit to the chief inspector a project management plan, prepared by a qualified professional, respecting the emerging technology.
  - (2) The project management plan must contain the following elements:
    - (a) a detailed risk assessment for the purpose of identifying, assessing and managing hazards;
    - (b) a summary of the safe working procedures in the Mine Health and Safety Program required under section 1.6.9 (1) (c.1);
    - (c) a summary of the project management plan, including project milestones and scope;
    - (d) details on location, access, infrastructure and equipment;
    - (e) a summary of key roles and responsibilities associated with the project;

- (f) a summary of system functionality, redundancy, limitations and safety features;
  - (g) a commissioning plan;
  - (h) a maintenance and inspection plan;
  - (i) an operational plan;
  - (j) a description of the training program and competence assessment for working with and around the emerging technology as required in section 1.11.1 and 1.11.2 of this code;
  - (k) the process for investigating failures;
  - (l) a summary of the updates to the Mine Emergency Response Plan relating to the emerging technology as required under section 3.7.1 of this code;
  - (m) a gap assessment of this code to identify non-conformances and plans and timelines to address the non-conformances, prior to implementation of the project management plan;
  - (n) a summary of critical controls as identified in the risk assessment referred to in paragraph (a);
  - (o) if autonomous and semi-autonomous machines are operated on the mine site, an interaction plan for human-operated equipment and personnel;
  - (p) if battery or hybrid vehicles are operated on the mine site, a battery management plan;
  - (q) if hydrogen-powered vehicles are operated on the mine site, a hydrogen management plan.
- (3) The manager must ensure the OHSC is provided with an opportunity to review and provide comments respecting the provisions of the project management plan that relate to the emerging technology and worker health and safety, as well as associated updates as required under subsection (5), prior to submission to the chief inspector.
- (4) The manager must implement and adhere to the project management plan once the chief inspector confirms that it meets the requirements of this code and is appropriate for the mine site.
- (5) If a material change is proposed to the operational use of an emerging technology, the manager must
- (a) ensure that a qualified professional updates the project management plan,
  - (b) submit the updated plan to the chief inspector, and
  - (c) not make operational changes until the chief inspector confirms that the updated project management plan meets the requirements of this code.

**Emerging Technology Certifications**

- 6.18.4** The manager must ensure that emerging technology has been certified by an organization that is accredited by the Standards Council of Canada as meeting the requirements of
- an applicable CSA Standard,
  - an applicable standard recognized by the Standards Council of Canada, if a standard referred to in paragraph (a) does not exist, or
  - an applicable standard acceptable to the chief inspector, if neither standard referred to in paragraphs (a) and (b) exist.

**Equipment Operation – General****Operator's responsibility**

- 6.19.1** (1) The operator of a unit of mobile equipment
- is directly responsible for its safe operation and for maintaining full control of the unit and complying with the *Mines Act*, the regulations and this code insofar as the operation of the equipment is concerned, and
  - must wear a seatbelt and drive with the headlights and, where required, a flag equipped whip antenna light or a flashing light on at all times.
- (2) A person who enters commands or inputs information into an autonomous or semi-autonomous system that governs the behavior of tracked or rubber-tired mobile equipment, must do so in a manner that ensures the safe operation of the equipment and that the system can maintain full control of the mobile equipment.

**Logbook to be Maintained**

- 6.19.2** The manager must provide and maintain an effective logbook system for each unit of mobile equipment over 7000 kg gross vehicle weight in which the vehicle operator prior to operating of the vehicle, or the qualified person examining the equipment under 6.19.3 (2),
- notes the condition,
  - notes any unsafe conditions, and
  - in the case of a qualified person making repairs, notes any repairs made and if the vehicle is safe to operate.

**Examination of Equipment**

- 6.19.3** (1) The operator of equipment must examine and check the equipment and read the logbook before putting the equipment into use and, if an unsafe condition is discovered, the operator must not operate the equipment until
- repairs have been made, or
  - a qualified person has assured the operator that it is safe to operate the equipment and noted the reason in the logbook.

- (2) In the case of autonomous or semi-autonomous tracked or rubber-tired mobile equipment, the manager must
  - (a) when the unit is serviced, or at a minimum of every 24 operating hours, ensure that a qualified person examines and checks the equipment and reads the logbook, and
  - (b) if an unsafe condition is discovered, ensure that the equipment is not put into operation until
    - (i) repairs have been made, or
    - (ii) a qualified person has assured the manager that the equipment is safe to put into operation and noted the reason in the logbook.

#### **Name of Person**

- 6.19.4** Every notation made in the logbook, maintenance record, and every other record relating to the condition of the equipment shall show the time and date of the entry and the name of the person who made the entry.

#### **Restricted Vision**

- 6.19.5** No person shall operate a unit of mobile equipment where the person's field of vision is restricted unless the person
- (1) has inspected the area into which the equipment is to be moved and, without delay, proceeds to operate the equipment, or
  - (2) is directed by a signal person who is located in a safe position and in continuous contact with the operator of the equipment, or
  - (3) is directed by a traffic control or warning system.

#### **Disabled Vehicle**

- 6.19.6** When a vehicle or a unit of mobile equipment is disabled or parked in the traveled portion of a roadway
- (1) a warning to approaching traffic shall be given by means of flashing lights, flares, lamps, or reflectors, or
  - (2) a person, equipped to be clearly visible and identifiable, shall direct other vehicles using that section of roadway.

### **Haulage Vehicle Operations – Surface**

#### **Fly Spreading**

- 6.20.1** Where it is proposed to discharge material from the elevated box of a moving haulage truck, the manager shall prepare a safe operating procedure.

**Dump Stability**

- 6.20.2** No person shall drive or operate a haulage vehicle in such a manner as to
- (1) dump from the vehicle at a location where the person has reasonable cause to believe that the ground is not capable of supporting the loaded vehicle, or
  - (2) remove material from the bottom of a dump or stockpile if the person has reasonable cause to believe that a person may be injured as a result of the removal.

**Dumping Over Bank**

- 6.20.3** No person shall drive or operate a haulage vehicle, in such a manner as to dump material from the vehicle over a bank that is more than 3 m high, or dump within 3 m of the dump berm crest when the bank is more than 3 m high, except as described in section 6.10.1(4), unless a dump person is directing vehicles to the dumping position and a dump berm is in place.

**Reverse When Dumping**

- 6.20.4** The driver of a haulage truck shall not
- (1) where the bank is more than 3 m high and the dumping position is within 3 m of the dump berm crest, move the vehicle backward to the dumping position or begin dumping until the driver has received directions from the dump person,
  - (2) operate the vehicle in reverse for a distance greater than 4 truck lengths on a dump other than a bin, raise, or other opening referred to in section 6.10.1 (4), or
  - (3) operate the vehicle in reverse for a distance greater than 4 truck lengths, on a stockpile, ramp, road, or a ramp or road that is under construction, unless the ramp or road has a positive gradient of more than 5% or the procedure is accepted as part of a permit application or work system approval.

**Dump Person**

- 6.20.5** A dump person who is responsible for directing vehicles at a dump point shall
- (1) continually inspect the condition of the dump site and if abnormal or hazardous conditions are observed take corrective action to alleviate any danger to workers assigned to the dump, and
  - (2) communicate immediately any abnormal or hazardous conditions found to the open pit shiftboss or, in the case of a mine with fewer than 6 employees, the supervisor.



## Battery Charging

### Battery Charging Stations

- 6.21.1** A battery charging station in a mine or mine shop shall be located in a well-ventilated location to prevent the accumulation of flammable gases.

## Crew Transportation – Rail Track

### Riding on Cars

- 6.22.1** No person, unless authorized by the manager, shall ride on or against a car, locomotive, or train in an underground working.

### Passenger Cars

- 6.22.2** Section 6.22.1 does not apply where persons are being transported on or in passenger cars especially provided for that purpose in compliance with 3.2.4 and hauled by mechanical means provided that
- (1) if the car does not have a roof, there shall be a clearance of not less than 1.1 m above each seat,
  - (2) if the car does have a roof, there shall be a clearance of not less than 150 mm above the roof, and
  - (3) safety chains shall be used between the cars and between the first car and the locomotive, in addition to the normal couplings except where an insulated draw bar is required.

## Surface Mines

### Removal of Unconsolidated Material

- 6.23.1** All trees and other vegetation, clay, earth, sand, gravel, loose rock, or other unconsolidated material lying within 2 m of the rim of a working face or wall in a surface mine shall be removed, and beyond this distance all unconsolidated material shall be sloped to an angle less than the natural angle of repose.

### Bench and Berm Widths

- 6.23.2** Where a surface mine is worked in benches
- (1) each catchment berm shall be designed so that its final width will not be less than 8 m,
  - (2) notwithstanding section 10.5.8, loose rock and soil shall not be allowed to accumulate on a bench or catchment berm in a manner that endangers any person working on a lower bench, and
  - (3) where loose rock accumulates and where access cannot be gained to clean the catchment berm, and a danger exists to a person working below, a safe working procedure shall be developed.

**Surface Mine Faces and Bench Heights**

- 6.23.3 No part of a face or wall of a surface mine shall overhang.
- 6.23.4 Where material is being worked or removed, the vertical component of the mining face shall not be greater than 2 meters beyond the reach of the loading equipment.
- 6.23.5 Section 6.23.4 does not apply
- (1) where material is removed by backhoe, excavator, dragline or similar equipment operating from above the face that it is excavating, or
  - (2) where a multiple bench system of mining is being carried on in accordance with conditions authorized by the **chief permitting officer**, or
  - (3) where the material is free running and the slope does not exceed 60 degrees or 30 meters in length.

**General Mine Rules**

- 6.24.1 Surface excavations shall be securely fenced against inadvertent access when fencing is considered necessary by an inspector.
- 6.24.2 Wherever practicable, water sprays or other dust suppression means and devices shall be used at every dusty place where work is carried out and where it is impractical to do so, personal protective equipment shall be supplied and worn by all persons working in that location.

**Drilling**

- 6.24.3 A powered rock drill shall not be used in a mine unless it is equipped with a water jet or other device capable of suppressing dust.

**General – Underground Rules****Examination**

- 6.25.1
- (1) Before any work is begun in an underground mine, a worker shall check the worker's workplace for hazardous or dangerous conditions and the worker shall not start work until the workplace has been made safe.
  - (2) Adit entrances and all other openings to underground mines that are no longer in use shall be secured against entry in a manner acceptable to an inspector.
- 6.25.2 The manager shall ensure that all work places, travel ways and other areas that may be frequented by mine personnel are regularly inspected and maintained by check scaling as conditions warrant and re-supported as may be prudent and that adequate tools and supplies are provided.

**Guarding Open Workings**

- 6.25.3** Where persons are working in any location which is below and open to a haulage or travel way on the level above, the workplace shall be securely covered or otherwise closed off from the haulage or travelway.

**Guarding Millholes and Passageways**

- (1) The top of every millhole, passageway, sump, drain hole or other opening shall be covered or otherwise adequately protected to prevent inadvertent access.
- (2) Where repair work is being carried out in a passageway, or where for any other reason the passageway could be dangerous to a person entering it, the passageway shall be closed off and warning signs shall be posted at all entrances.

**Old Abandoned Workings**

- 6.25.4** No work shall be carried out within 30 m of abandoned or old workings, or any accumulation of water or unconsolidated material, or any other substance that may flow, unless the proposed work procedure has been approved by the manager.

**Breakthrough to Mine Workings**

- 6.25.5** No connection between mine workings shall be made until a thorough examination of the workings toward which the active heading is advancing has been made and has shown that the work can proceed in a safe manner.

**Jumbo Drills**

- 6.25.6** No person shall proceed beyond the front of the drill controls of an underground jumbo drill unless the drills have been stopped.

**Rock Passes****Water Not To Be Introduced**

- 6.26.1** No person shall introduce water into an ore or waste pass, a loading pocket, coal silo, hopper, storage bin or a completed large diameter borehole for any purpose without following an operating procedure approved by the chief inspector.

**Procedure for Removal**

- 6.26.2** If any ore or waste pass is found to contain water, or saturated material which will flow, the manager shall provide a plan for the safe removal of such water or saturated material.
- 6.26.3** The controls of any ore or waste pass shall be arranged, wherever practicable, to prevent the operator from being hit by a run of material.

## Stairways

### Requirements

- 6.27.1** Stairways shall be provided in shafts or passageways inclined at 50 degrees from the horizontal or less where necessary to ensure safety.

### Handrail

- 6.27.2** Every stairway greater than 1.5 m in height located in a shaft or passageway shall be equipped with a suitably placed handrail.

### Tread Size

- 6.27.3** The rise and tread width of the steps within a stairway shall be uniform and tread widths shall not be less than 250 mm.

### Guardrails

- 6.27.4** When a stairway ends in direct proximity to dangerous traffic or other hazards, detour guardrails shall be installed.

## Ladders

### General Standards

- 6.28.1** A ladder used in a mine shall
- (1) be of strong construction,
  - (2) where used underground, be securely fastened to the timbering or wall of the shaft, raise, or stope
  - (3) be maintained in good repair,
  - (4) have rungs that are equally spaced,
  - (5) be installed so that rungs shall be more than 100 mm from the wall or timbering of a shaft, raise or stope, and
  - (6) be erected at an inclination of not more than 80 degrees from the horizontal unless equipped with safety hoops.

### Handrails

- 6.28.2** Every ladder must project at least 1 m above its landing platform, except where
- (1) strong suitable handrails are provided on the platform, and
  - (2) the ladder is securely fastened to its platform.

### Platforms

- 6.28.3** Where a shaft or passageway, driven after the proclamation of this code, is inclined at over 50 degrees from the horizontal, it shall be provided with a ladderway containing platforms erected at vertical intervals not exceeding 7.5 m in the ladderway. Each platform shall have an opening which permits a person wearing a self-contained breathing apparatus to pass through.

- 6.28.4** Where a shaft or passageway is inclined at over 70 degrees from the horizontal, the ladderway, in addition to the requirements of section 6.28.3, shall have the individual ladders between each platform so located that they act as shields or protections to cover the holes in the platforms.

#### **Doors in Platforms**

- 6.28.5** Where it is possible for a person to fall from one platform to a lower platform in a ladderway, the platform openings shall be covered by suitable doors which can be easily opened from above or below.

#### **Ladderways in Other Mine Workings**

- 6.28.6** A landing platform shall be installed at all points where ladders are offset.
- 6.28.7** All ladderways in raises, stopes and passageways shall be installed and maintained to reduce the hazard of a person falling.

#### **Travel in Passageways with Skips**

- 6.28.8** When a ladderway and a skipway occupy the same compartment in a passageway
- (1) the ladders shall be adequately protected from material being hoisted,
  - (2) no person shall travel or be allowed in the ladderway while the skip is in motion except to handle material in the skip, and
  - (3) sufficient guardrails shall be installed to prevent a person using the ladderway from falling into the skipway.

#### **Flexible Ladders**

- 6.28.9** No person shall use, or allow to be used, a flexible ladder except
- (1) in a shaft sinking operation,
  - (2) in an emergency rescue operation, and
  - (3) provided that the ladder is safe and secure.

### **Raise – Underground**

#### **Two- Compartment Raises**

- 6.29.1** Except where approved raise driving equipment is used, every raise inclined at more than 50 degrees from the horizontal and being driven more than 16 m slope distance, shall:
- (1) be divided into at least two compartments, one of which shall be maintained as a ladderway and equipped with suitable ladders maintained to within 12 m of the face as it is being driven, and
  - (2) if the second compartment is used to hold rock excavated from the face, it shall either be kept full, or suitable protection shall be provided to prevent a person from falling into this compartment.

### Flammable Waste & Scrap – Underground

#### Removal

- 6.30.1** All waste, including waste timber, shall be removed from an underground mine on a regular basis and shall not be piled up nor permitted to decay in the mine.

#### Storage and Removal

- 6.30.2** In an underground mine, or in or about a headframe or shaft-house, flammable refuse shall be
- (1) deposited in covered, fire-resistant containers, and
  - (2) removed at least weekly from the mine, headframe, or shaft-house.

### Sulphide Dust

- 6.31.1** In any underground mine where the sulphur content of the ore is high and a sulphide dust explosion has occurred, the manager shall approve and implement a scheme for minimizing the danger from a sulphide dust explosion including
- (1) provision for ensuring that all persons are removed to a place of safety prior to blasting, taking into consideration the mine layout and the ventilation circuits, and if necessary, removed to the surface of the mine,
  - (2) provision for ensuring that all accessible headings, raises, and other workplaces within 30 m of a blasting site are washed down to remove dust prior to blasting, and
  - (3) any other measures that could reduce the risk of a dust explosion or lessen the consequences if one should occur.

### Fire Doors – Underground

#### Fire Doors

- 6.32.1** In any mine, there shall be a sufficient number of fire doors installed underground to isolate the shaft or other entrance to the mine from the mine workings.
- 6.32.2** Fire doors shall be
- (1) of fire resistant construction and of at least one-hour fire resistance rating,
  - (2) maintained in proper order,
  - (3) kept clear of all obstructions so as to be readily usable at all times, and
  - (4) equipped with a self-closing door to allow the escape of a person trapped behind it.

### Ventilation Standard

- 6.33.1 The return air from all working places shall, whenever practicable, be routed directly to the return airway.

#### Barometer

- 6.33.2 A barometer and a thermometer shall be placed in a conspicuous position at the entrance of an underground coal mine, and both shall be read as part of the duties of the persons appointed to examine the mine workings under Sections 6.7.1 and 6.7.3.

### Main Ventilation – Interruptions

#### Interruption to Main Fan

- 6.34.1 If the main system of ventilation for an underground mine is stopped, other than through a brief interruption of the power supply, all persons shall be withdrawn to the surface of the mine or to an approved refuge station in accordance with the manager's emergency procedures, and there shall be no entry of persons until the ventilation has been restored and the workings inspected and declared safe by an authorized person.

### Underground Mine Heating

#### Mine Air Heaters

- 6.35.1 No furnace or device for heating mine air shall be installed without the written permission of an inspector.

### Auxiliary Ventilation

#### Provisions of Ventilation

- 6.36.1 The manager shall ensure that all workings that are removed from the main ventilation circuit have an adequate supply of ventilating air.

#### Manager's Rules

- 6.36.2 Where auxiliary ventilation systems are necessary, the manager of an underground mine shall prepare rules and procedures for the installation and use of auxiliary ventilation systems and, in the case of a coal mine, for the degassing of headings. A copy of the procedures shall be posted at a conspicuous location at the mine.

#### No Recirculation of Air

- 6.36.3 An auxiliary fan shall not be installed or operated in an underground mine other than in accordance with the rules and procedures prepared under section 6.36.2, and the manager shall ensure that
- (1) sufficient fresh air reaches the fan at all times to prevent re-circulation,

- (2) air circulated by the fan is not contaminated with dust or flammable gas in excess of the limits specified in the rules and procedures prepared under section 6.3 6.2, and that no air containing more than 1.25% by volume of flammable gas passes through or over the fan,
- (3) every auxiliary fan shall be electrically connected to ground to prevent the accumulation of an electrostatic charge,

#### **Aluminum Parts Prohibited**

- (4) no auxiliary or booster fan shall be installed or operated in an underground coal mine if any of its component parts is made of aluminum, magnesium, titanium or a light metal alloy unless adequately coated with a non-sparking material, and
- (5) the manager shall establish an inspection program to regularly inspect coated fans and shall have them immediately removed from service if the coating is damaged.

#### **Compressed Air Machine Exhaust**

- 6.36.4** The exhaust from any compressed air machine shall not be considered as ventilation.

### **Ventilation Monitoring**

#### **Air Measurements**

- 6.37.1** The manager of an underground mine shall ensure that measurements of the quantity of air flowing are taken at the main fan, in all main airways, and at all major ventilation splits at intervals not exceeding 3 months.

#### **Diesel Equipment Ventilation**

- 6.37.2** In a mine or part of a mine in which diesel equipment is operating underground
- (1) measurements of the quantity of air flowing shall be taken at intervals not exceeding once a week,
  - (2) tests shall be made at least once a shift, in the general body of the air, on the exhaust side of the operating diesel equipment, for nitrogen dioxide or oxides of nitrogen and other gases specified by an inspector, and
  - (3) Repealed.
  - (4) the worker may request that tests be conducted to determine the volume of air flow, carbon monoxide, nitrogen dioxide, formaldehyde, or diesel particulate matter contents of the atmosphere.

#### **Recording**

- 6.37.3** The measurements required to be taken under sections 6.37.2(1) and 6.37.2(2) shall be recorded in a book kept for that purpose.



## Doors and Regulators

### Door Closing

- 6.38.1** All doors used for regulating or controlling ventilation shall close automatically and be provided with a suitable device for opening or closing them.

## Quantities – Splits – Measurement for Coal Mines

### Ventilation Splits

- 6.39.1** Where necessary for efficient and effective ventilation, every mine shall be divided into separate ventilating splits and no working place shall be ventilated by series ventilation.

### Measurements

- 6.39.2** Air measurements shall be taken to determine the quantity of air circulating
- (1) within 90 m from the first normal working place in each split intake,
  - (2) in the intake and return airways of each ventilating split, and
  - (3) in the main intake and return airways of the mine.

### Recording

- 6.39.3** The measurements referred to in section 6.39.2 shall be taken once per month and the results shall be entered in a book to be kept at the mine.

## Unventilated Workings

### Prevention Of Access

- 6.40.1** The manager shall ensure that any part of an underground mine that is not being ventilated shall
- (1) be effectively barricaded to prevent inadvertent entry,
  - (2) be posted with signs warning that entry is prohibited, and
  - (3) before anyone enters or is permitted to enter that part of the mine, be examined by a qualified person for
    - (a) oxygen deficiency,
    - (b) the presence of toxic or noxious gases, fumes, mists, vapours, or dust, and
    - (c) any other dangerous condition.
- 6.40.2** All worked out or closed parts of an underground coal mine and those not part of the mine ventilation system shall be sealed with substantial stoppings.

## Stoppings – Coal Mines

### Stopping Construction

- 6.41.1 All stoppings between intake and return airways shall be of substantial construction and built in a manner to prevent any undue leakage of air.
- 6.41.2 The space between the faces of all stoppings and the airways shall be kept free of obstructions.

### Monitoring

- 6.41.3 Provisions shall be made for monitoring the conditions behind stoppings.

## Flammable Gas

### Gas Detection

- 6.42.1 Where it may be reasonable to expect that there is a hazard due to the presence of flammable gas, an inspector may require that a sufficient number of appliances of an approved type be provided for the determination of the percentages of flammable gas.

### Qualifications

- 6.42.2 The manager of an underground mine shall appoint a qualified person to make regular determinations of the content of flammable gas in the mine air at such locations and at such time intervals as established by the manager. The results of the determinations shall be entered in a book kept for this purpose at the mine.

### Reporting

- 6.42.3 If air immediately returning from a split that ventilates a group of active workings, or if air in the main return airway, is found to contain more than 1% of flammable gas as determined with an approved means of detection, the person who detects it shall immediately report the person's findings to the manager and the manager shall
  - (1) take immediate steps to improve the ventilation, and
  - (2) send a notice of the condition to an inspector within 24 hours.

### Electrical Equipment

- 6.42.4 If any person finds more than 1.25% of flammable gas in the air in the general vicinity of electrical machinery or equipment the person shall cut off the electrical power supply from the machinery or equipment and report the circumstances to the supervisor in charge of that part of the mine.

**Coal Mines – Withdrawal Of Persons**

- 6.42.5** (1) Whenever the general body of the air in any workplace or travelway in a mine is found to contain 2.5% or more of flammable gas, the person in charge of that part of the mine shall
- immediately cause all persons in that area and the return airway to be withdrawn to a place of safety,
  - inform without delay the person's immediate supervisor, and
  - insofar as it is possible to do so without undue risk, ascertain or have a qualified person ascertain, the condition of the affected area and the return airway and carry out the measures necessary to render it safe

**Examination**

- (2) Except for the purpose of saving life or rendering the area safe, no person shall be readmitted to the affected area until the person in charge of that part of the mine, or a qualified person appointed by the manager, has examined the area and reported it to be safe.

**Recording**

- (3) Where persons have been ordered to leave an affected area under this section, the person who caused them to leave shall record in a book kept for that purpose at the mine, particulars of the reason for the order, and the person who carried out the examination required in subsection 6.42.5(2) shall report the result of it in that book

**Prevention of Ignition****Manager's Responsibility**

- 6.43.1** Where a machine is in use at a working face at which gas is liable to be ignited by such use, the manager shall ensure that
- the machine is provided with effective means to prevent the ignition, or
  - an adequate portable fire extinguisher is available at or near the machine.
- 6.43.2** The manager shall provide a detector that gives an audible and/or visible warning of a hazardous accumulation of flammable gas where electrically powered machinery is used at the coal face or at any other place specified by an inspector.

**Prohibited Metals**

- 6.43.3** Nothing made of, or containing, aluminum, magnesium, titanium, or light metal alloy shall be used in an underground coal mine, except
- electrical equipment within a flameproof enclosure, or
  - in circumstances when there is no possibility of friction or impact, or

- (3) unless adequately coated with non-sparking material and immediately removed from service if the coating is damaged, or
- (4) hand held tools which are placed in a non-sparking storage container following use.

#### Automatic Gas Detector

- 6.43.4** Where electrically powered equipment is being operated at a coal face in an underground mine, the manager shall ensure that an automatic gas detector of a type that is approved by a recognized body is installed. The detector shall be installed in such a manner that if a predetermined level of flammable gas is detected, all electrically powered machinery is shut down and is not restarted until gas levels have fallen below the prescribed level.

#### Gas Detectors

- 6.43.5**
- (1) The supervisors shall check all gas detectors in underground coal mines daily, by comparing the reading obtained from the fixed detector with the reading obtained from a supervisor's detector.
  - (2) If a variance of 10% or more occurs in daily readings, both detectors are to be immediately removed from service, replaced before operations restart, and calibrated against a known concentration of gas.
  - (3) All gas detectors in underground coal mines shall be removed once per month, serviced and tested against a known concentration of flammable gas.
  - (4) The manager shall ensure that records are kept of all calibration tests and maintenance carried out on gas detection devices and that those records are available to an inspector on request.

### Combustible Dust – Coal Mines

#### Treatment

- 6.44.1** The floor, roof and sides of every road or part of a road that is accessible shall be treated
- (1) with water in the manner and at the intervals that will ensure that the dust on the floor, roof, and sides, respectively, is always combined throughout with 30% by weight of water in the intimate mixture, or
  - (2) with incombustible dust in a manner and at intervals that will ensure the dust on the floor, roof, and sides, respectively, shall always consist throughout of a mixture containing not more than 50% of combustible matter if the volatile matter content of the coal does not exceed 22% as determined by one of the standard methods of analysis and computed on a dry, ash free basis.

**Method**

- (3) Before the first application of incombustible dust as required by this part of the code, accumulated coal dust shall be removed from the roof, floor and sides of the roadway, so far as practicable.

**Permissible Levels**

- 6.44.2** The maximum permissible percentage of combustible matter under section 6.44.1 shall diminish by 1.5% for each 1% increase of volatile matter of the coal until it has been reduced to 35 in the case of coal having a volatile matter content of 32% or more.

**Samples**

- 6.44.3** For the purpose of determining the volatile matter content of the coal under section 6.44.2, samples shall be taken either from representative sections of the seam or from a representative quantity of the run of mine coal from the seam.

**Methane**

- 6.44.4** The permissible percentage of combustible matter in the dust found in an underground roadway shall be further decreased by one for each increment of 1/10 part of 1% in the methane content of the mine air beyond 1/4 of 1%.

**Moisture**

- 6.44.5** The percentage of incombustible dust required under this section may be reduced by an amount equivalent to the percentage of water present in the mixture.

**Exception**

- 6.44.6** The obligations imposed by this section do not apply to a roadway, if the natural conditions of it as regards the presence of incombustible dust and moisture are found by tests made in accordance with this section to be such as to comply with the foregoing requirements.

**Fineness of Dust**

- 6.44.7** The incombustible dust used for the purpose of this part of the code shall, whenever possible, contain not less than 50% by weight of fine material capable, when dry, of passing through a No. 80 sieve of the Canadian Metric Sieve Series.

**Sampling**

- 6.44.8** If the amount of incombustible dust passing through the No. 80 sieve is less than 50%, the percentage of combustible matter specified as being the maximum permissible by sections 6.44.1(2), 6.44.2, 6.44.4 and 6.44.5 shall be decreased proportionately, but the percentage of the fine material shall never fall below 25%.

- 6.44.9** To obtain the composition of the dust mixture in a road or part of a road, the following procedure shall be adopted
- (1) representative samples of the dust shall be collected from the floor, roof, and sides over a section of the road not less than 30 m in length, the sections being not more than 135 m apart in the same roadway, and
  - (2) each sample collected shall be thoroughly mixed and quartered, and a portion of the mixture shall then be sifted through a No. 315 sieve of the Canadian Metric Sieve Series

#### **Analysis of Roadway Dust**

- 6.44.10** If the roadway dust is known to contain only negligible percentages of either gypsum or carbonates
- (1) a weighed quantity of the dust that has passed through the sieve shall be dried at a temperature of 105 degrees Celsius and the weight lost shall be reckoned as moisture, and
  - (2) the sample shall then be brought to a red heat in an open vessel until it no longer loses weight, and the weight lost by incineration shall be reckoned as combustible matter for the purpose of the test.

#### **Gypsum**

- 6.44.11** If the incombustible dust applied to a roadway consists of gypsum wholly or in part
- (1) a weighed quantity of the sieved dust shall be dried at a temperature between 135 degrees Celsius and 140 degrees Celsius and the weight lost shall be reckoned as moisture, and
  - (2) the sample shall then be kept at a red heat in an open vessel until complete incineration, and the weight of the residue added to that of the moisture shall be reckoned as incombustible matter and expressed as a percentage of the total weight of sieved dust treated.

#### **Carbonate**

- 6.44.12** If the roadway dust contains an appreciable proportion of carbonates, the following method shall be followed
- (1) a weighed quantity of the dust that has passed through the sieve shall be dried at a temperature of 105 degrees Celsius, and one hundred times the weight lost divided by the number of grams of dust submitted to the test shall be reckoned as the percentage of moisture, and
  - (2) one gram of the sample so dried shall then be treated with dilute hydrochloric acid in a suitable apparatus; the weight lost through the decomposition of the carbonates shall be ascertained and subsequently added to that of the incombustible solid residue of

another gram of the same sample having been subjected in an open crucible and for not less than one hour to a temperature exceeding 925 degrees Celsius, and this total, plus the moisture previously determined, shall be recorded as incombustible matter.

#### **Tests to be Recorded**

- 6.44.13** The results of the tests of the roadway dust shall be recorded in a book kept at the mine for the purpose, and a copy posted at the mine entrance, and available on request.

#### **Frequency of Tests**

- 6.44.14** Tests of samples of roadway dust, so taken as to be representative of the normal composition of the roadway dust throughout the mine and on the floor, roof, and sides, respectively, shall be made as often as may be necessary, but not less frequently than once in each month.

#### **Injurious Dust**

- 6.44.16** Incombustible dust that is ineffective or injurious to health shall not be used in a mine.

### **Explosion Barriers – Coal Mines**

#### **Type**

- 6.45.1** (1) In any underground coal mine which is dry and dusty, rock dust or water barriers of a type authorized by an inspector shall be installed at places designated in a scheme prepared by the manager and authorized by an inspector.

#### **Inspection**

- (2) Where explosion barriers are required in an underground coal mine, the manager shall appoint a person who holds an underground coal mine shiftboss certificate to examine the condition and position of the barriers

#### **Frequency**

- (3) The person appointed under subsection (2) shall examine the barriers at intervals of not more than 4 weeks and shall report the results of the examination in writing in a book to be kept at the mine.

### **Explosion Barriers – Other Mines**

#### **Other Mines**

- 6.46.1** The chief inspector may order the manager to prepare a similar, authorized scheme at any mine where the chief inspector believes that a hazard may exist from the ignition of flammable gas or dust.





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## Shafts

### Shaft Design

- 7.1.1 (1) A mine shaft shall
- (a) be of a design approved by a professional engineer,
  - (b) be equipped with a means to guide each shaft conveyance and counterweight through the shaft to prevent contact with another shaft conveyance or counterweight or with any shaft furnishing,
  - (c) have underwind clearances that exceed the stopping distance of any shaft conveyance when traveling at the maximum speed permitted by the hoist controls and carrying the maximum permitted load, except
    - (i) during shaft sinking operations, or
    - (ii) when chairs are used to land a skip during loading operations,
  - (d) where a friction hoist is installed, be equipped with tapered guides, or other devices approved by a professional engineer, located above and below the limits of regular travel of any shaft conveyance or counterweight, and designed to decelerate and safely stop the shaft conveyance or counterweight in the event of overtravel, and
  - (e) where a friction hoist is installed and where workers are transported in a conveyance not equipped with safety catches, safety chairs shall be installed in each compartment at the extreme limit of overwind travel; and the installation shall be so arranged so that if a conveyance or counterweights should break away from the rope as a result of an overwind, it would fall back the smallest practicable distance before landing on the safety chairs which, with their supports, shall be designed to stop and hold a fully loaded conveyance under these conditions.

### Sump Barrier

- (2) Except when a shaft is being sunk, or during sump cleaning operations, a barrier or obstruction shall be installed in the shaft to prevent a shaft conveyance from being lowered into water in the shaft bottom.

### Guarding of Shaft Openings

- 7.1.2 A shaft opening in an underground mine shall be securely fenced, covered, or otherwise guarded.

### Shaft Lining

- 7.1.3 (1) A shaft shall be securely lined and, if necessary, cased.
- (2) During shaft sinking operations, the lining, and if necessary the casing, shall be maintained to within 20 m of the bottom of the shaft.

**Shaft Compartments**

- 7.1.4 (1) Except during shaft-sinking operations, a shaft compartment used for the handling of material shall be enclosed by a substantial partition at the collar and at all levels, except the side or sides on which material is loaded on or off the shaft conveyance.
- (2) The enclosure referred to in subsection (1) shall
- (a) extend above the collar and each level a distance of not more than 7 m, or less than the height of the shaft conveyance plus 2 m,
  - (b) extend below the collar and each level a distance of not less than 2 m, and
  - (c) conform to the size of the shaft conveyance, allowing for necessary operating clearances.

**Shaft Passageways**

- 7.1.5 (1) The passageway in a shaft shall be separated from the hoisting or counterweight compartments by a partition which complies with section 7.1.5 (2).
- (2) Between levels, the partition may consist of metal or other material of suitable weight and mesh to prevent
- (a) a falling object from entering the passageway, or
  - (b) the intrusion of an object from the passageway into the hoisting compartment.
- (3) A safe passageway and standing room for a person outside the shaft shall be provided at all workings opening into a shaft and the passageway shall be directly connected with such openings.

**Shaft Gates**

- 7.1.6 (1) Except when the hoisting compartment at a shaft station is securely closed off, a substantial gate shall be installed.
- (2) The gate required by subsection (1) shall be kept closed except when the shaft conveyance is being loaded or unloaded at the station, and have a minimum of clearance beneath it.
- (3) The approach to the shaft shall be designed and protected to prevent inadvertent entry into the shaft of an uncontrolled vehicle.

**Smooth Lined Shafts**

- 7.1.7 (1) A passageway in a shaft shall be separated from the conveyance compartments by a mesh of suitable weight to prevent
- (a) a falling object from entering the passageway, or
  - (b) the intrusion of an object from the passageway into the hoisting compartment.

**Ladders in Shafts**

- 7.1.8**
- (1) A suitable stairway or ladderway shall be maintained in every shaft.
  - (2) During shaft sinking operations, if the ladder is not maintained to the bottom of the shaft, an auxiliary ladder shall be provided.
  - (3) No ladder in a shaft, other than an auxiliary ladder used in shaft sinking operations, shall be installed in a vertical position.
  - (4) Where it is necessary for persons to perform inspections in a shaft, suitable ladderways, stairways, or platforms shall be provided to permit the work to be carried out in a safe manner.

**Shaft Obstructions**

- 7.1.9**
- (1) Protective devices and procedures shall be used to prevent a shaft conveyance from coming into contact with an intermediate shaft obstruction.
  - (2) A device which may become an intermediate shaft obstruction shall be positively locked out of the shaft compartment to prevent its inadvertent projection into the compartment.
  - (3) The location of each intermediate shaft obstruction shall be marked on the depth indicator of the hoist.
  - (4) The procedure for safely working with intermediate shaft obstructions shall be prepared in writing and posted in appropriate locations.
  - (5) Doors for covering the shaft at the collar, to facilitate the maintenance of a shaft conveyance, are not an intermediate shaft obstruction if
    - (a) they are positively latched out of the shaft compartments when not in use, and
    - (b) dual lights are installed to indicate to the hoist operator whether such doors are in or out of the shaft compartment.

**Shaft Sinking**

- 7.1.10**
- (1) When the vertical depth of a shaft below the collar exceeds 50 m during shaft sinking operations, including any preliminary underground development being carried out at the same time, a sinking bucket shall be provided for the transport of persons in the shaft.
  - (2) The sinking bucket shall be not less than 1.07 m high and designed in accordance with section 7.5.1 (1) and 7.5.1 (2).
  - (3) Where the distance between a head sheave and the shaft bottom exceeds 100 m, a crosshead shall be used with the bucket.

**Sinking Crosshead**

- 7.1.11** The crosshead shall
- (1) land on at least two chairs at the bottom crosshead stop to prevent distortion,

- (2) be attached to the rope by a safety appliance to ensure that the bucket is stopped if the crosshead should jam in the shaft, and
- (3) be of a type that encloses the bucket, unless the shaft compartment is tightly lined and the bucket is barrel shaped.

### Indicator Lights

**7.1.12** Dual lights shall be installed within view of the hoist operator to indicate

- (1) that the crosshead and the sinking bucket are descending the shaft together after leaving the dumping position, and
- (2) whether the service doors or the dump doors are in or out of the shaft hoisting compartment.

### Service Doors

**7.1.13** During sinking operations, service doors shall be installed at the collar and at any other place in the shaft in order to cover the shaft compartments where the bucket is loaded or unloaded and the doors shall

- (1) automatically latch out by mechanical means whenever removed from the hoisting compartment,
- (2) be closed whenever a bucket is being loaded or unloaded with tools or other materials, and
- (3) be closed whenever persons are entering or leaving the bucket, except where a closed crosshead is in use that provides equivalent protection for persons.

### Dump Doors

**7.1.14** During sinking operations, dump doors shall be installed at the bucket dumping position and arranged so as to:

- (1) prevent a bucket from being dumped when the doors are in the open position,
- (2) prevent any material from falling down the shaft when the bucket is being dumped, and
- (3) automatically latch out by mechanical means whenever they are removed from the hoisting compartment.

### Multi-deck Stages

**7.1.15** Where a multi-deck stage is used for shaft sinking purposes, it shall be of a design approved by a professional engineer and constructed in accordance with that design.

### Filling Bucket

**7.1.16** A sinking bucket shall be filled so that no piece of loose rock projects above the level of its rim.

**Riding in Bucket**

- 7.1.17 Except during shaft maintenance and inspection operations, every person being transported by a bucket shall ride in the bucket when it is traveling above the bottom crosshead stopping point in the shaft.

**Person in Charge**

- 7.1.18 (1) The person authorized to give signals for hoist movement at a shaft sinking operation shall maintain proper discipline of persons riding in the bucket and enforce the permissible loading restrictions of the conveyance permit.
- (2) No person shall obstruct the authorized person mentioned in subsection (1) from performing the authorized person's duties.

**Steadying Bucket**

- 7.1.19 A bucket shall not be allowed to leave the top or bottom of the shaft until it has been steadied.

**Lowering Bucket**

- 7.1.20 A bucket being lowered to the shaft bottom shall be
- (1) stopped at a distance of at least 5 m, and not more than 10 m, above the bottom of the shaft, and
- (2) lowered slowly beyond this point only on a separate signal.

**Blasting Precautions**

- 7.1.21 (1) During sinking operations, on the first trip carrying persons down the shaft after a blasting operation
- (a) the bucket shall not be lowered beyond a point less than 15 m above the blasting set or bulkhead, or beyond any point in the shaft where the health or safety of the persons could be endangered, and
- (b) only a sufficient number of persons shall be transported as required to make a proper examination of the parts of the shaft that might have been affected by the blast.
- (2) Beyond the point specified in subsection (1), the bucket shall be lowered slowly on signals given by the persons riding in the bucket.

**Overhead Protection**

- 7.1.22 During shaft sinking operations
- (1) persons may be at the bottom of the shaft during the hoisting and dumping cycles of the bucket, and
- (2) no work shall be done in a shaft while persons are in another part of the shaft below such work unless there is a securely constructed covering over a sufficient portion of the shaft to protect the persons below from the danger of falling material.

## Permits

### Mine Hoist Certificates

- 7.2.1** (1) No hoist shall be put into service unless a certificate has been obtained from the manufacturer of the hoist or from a professional engineer, certifying
- the maximum rope pull,
  - the maximum suspended load, and
  - the maximum unbalanced load in the case of a friction hoist.
- (2) No hoist shall be loaded beyond the maximum amount shown on the certificate required under subsection (1).

### Mine Hoist Permit

- 7.2.2** Except for the purpose of testing before being put into service in a particular location, no mine hoist shall be operated without a letter of certification issued by a professional engineer, a copy of which shall be posted in the hoistroom and provided to an inspector.

### Shaft Conveyance Permit

- 7.2.3** (1) No shaft conveyance shall be used without a valid shaft conveyance permit.
- (2) A shaft conveyance Letter of Certification shall be obtained from a professional engineer and a copy posted in the hoistroom.
- (3) A certificate shall be obtained for each shaft conveyance and counterweight showing its
- rated load, as certified by a professional engineer, and
  - serial number, date of manufacture, and the name of the manufacturer.
- (4) Each shaft conveyance and counterweight shall be recertified in accordance with subsection (3) every 5 years.

### Commissioning Tests

- 7.2.4** (1) Commissioning tests shall be conducted on a new or reactivated mine hoisting plant to ensure compliance with the code.
- (2) The results of such tests shall be recorded and a copy sent to an inspector.
- (3) The person responsible for commissioning the mine hoisting plant shall be a professional engineer who shall certify the results of the commissioning tests.
- (4) No mine hoisting plant shall be placed into operation prior to the successful completion of commissioning tests.



**Maximum Number of Persons in a Conveyance**

- 7.2.5 (1) Subject to subsection (2), the maximum number of persons that may be carried in a shaft conveyance shall be determined as follows
- where the clear floor area of the deck of a shaft conveyance is 1.86 square metres or less, there shall be at least 0.19 square metre for each person,
  - where the clear floor area of a deck of a shaft conveyance is more than 1.86 square metres and less than 4.64 square metres, there shall be at least 0.16 square metre for each person, and
  - where the clear floor area of a deck of a shaft conveyance is 4.64 square metres or more, there shall be at least 0.14 square metre for each person.
- (2) The maximum number of persons that may be carried by a shaft conveyance shall not exceed 85 per cent of the maximum allowable weight of materials divided by 90 kg.
- (3) No shaft conveyance shall be loaded with more than the maximum number of persons or weight of material specified in the shaft conveyance permit and a notice showing the specified limits shall be posted at the shaft collar.

**Logbooks**

- 7.2.6 The following logbooks shall be obtained and used for each mine hoisting plant
- Electrical Hoisting Equipment Record Book,
  - Hoisting Machinery Record Book,
  - Hoist Operator's Logbook,
  - Rope Record Book, and
  - Shaft Inspection Record Book.

**Hoist Operator's Certificate**

- 7.2.7 (1) The operator
- is the holder of a current certificate from a medical practitioner stating that the operator has been examined, and is fit to discharge the duties of a hoist operator, and
  - is qualified and authorized to operate the hoist or, in the case of a worker being trained as a hoist operator, is under the direct supervision of a qualified and authorized person.
- (2) The medical certificate shall expire one year after its date of issue.
- (3) Notwithstanding subsection (2), a hoist operator who has suffered from an accident or illness that, in the opinion of the mine manager, might impair the hoist operator's efficiency shall obtain a medical certificate before returning to work.
- (4) A record of all medical certificates shall be kept on file.

## Headframes and Sheaves

### Headframe Design

- 7.3.1** A shaft headframe, whether on the surface or underground, shall
- (1) have the plans of the design certified by a professional engineer, and
  - (2) be of sufficient height to provide an overwind distance that exceeds the greater of twice the stopping distance of the shaft conveyance traveling at the maximum speed permitted by the hoist controls, or 3 m.

### Sheave Certificate

- 7.3.2** (1) Before a shaft rope sheave is used, a certificate shall be obtained from the manufacturer or from a professional engineer certifying,
- (a) its maximum rated load carrying capacity,
  - (b) the diameter of rope for which it was designed,
  - (c) the maximum breaking strength of the rope for which it was designed, and
  - (d) the maximum amount of groove wear that shall be permitted.
- (2) No shaft rope sheave shall be loaded beyond its maximum rated load carrying capacity or used otherwise than in compliance with the certificate required by subsection (1).

### Rope and Sheave Grooves

- 7.3.3** The ratio of the diameter of the sheave groove to the diameter of the shaft rope shall be as required by section 7.6.1.

### Sheave Construction

- 7.3.4** A shaft rope sheave shall
- (1) be made of material that can safely withstand the ambient temperatures where it is installed,
  - (2) have a groove, or inserts with a groove, which is suitable for the rope being used, and
  - (3) bear a serial number and the date of its manufacture.

### Sheave Shaft

- 7.3.5** The shaft of a sheave shall be non-destructively tested for flaws by a certified person before being put into service in a particular location, and after installation in accordance with section 7.9.7.

## Ropes

### Rope Attachments

- 7.4.1 (1) Each component of the suspension gear between a shaft conveyance or counterweight and a hoisting or tail rope, and any connections between shaft conveyances, shall have a static factor of safety of not less than 10.
- (2) Components of a single suspension unit between a hoisting rope and a shaft conveyance shall not be welded.
- (3) A shaft rope shall be attached to the suspension gear of a shaft conveyance or counterweight by a closed type device that cannot be inadvertently disconnected.

### Rope to Drum Attachment

- 7.4.2 (1) In a drum hoist installation, the hoisting rope of a shaft conveyance or counterweight shall be attached to the drum of the hoist.
- (2) There shall not be less than three rounds of rope on the drum of a drum hoist when the shaft conveyance is at the lowest point in the shaft from which hoisting is possible.

### Trial Trips

- 7.4.3 When the attachments for a shaft hoisting rope are first installed, or reinstalled after dismantling, the following procedures shall be performed before the hoist is put into service
- (1) two test trips of the conveyance or counterweight shall be made through the working part of the shaft, with the conveyance carrying its normal maximum load,
- (2) the attachments shall be examined by a qualified person upon completion of the two test trips and any necessary adjustments made, and
- (3) a record of the test trips, and any adjustments or examinations made, shall be entered in the Hoisting Machinery Record Book by the person or persons making the tests, examinations or adjustments.

### Rope Test Certificate

- 7.4.4 (1) Before a shaft rope is initially installed,
- (a) a 2.5 m representative sample shall be cut from the rope and sent for destructive testing to an acceptable testing laboratory
- (b) a shaft rope that has been in storage for more than 12 months shall be retested in accordance with subsection (a).
- (c) a test certificate is issued by the laboratory showing the actual breaking strength of the rope, the percentage elongation at failure and the results of torsion tests performed on individual wires.

- (2) When the rope is installed, a copy of the Test Certificate is sent to the inspector with the appropriate pages from the Rope Record Book.

#### **Rope Destructive Test**

- 7.4.5** After a shaft rope has been in service for 6 months on a drum hoist, and at subsequent intervals not exceeding 6 months, the manager shall ensure that
- (1) a 2.5 m length shall be cut off from the lower end of the rope above the clamps, the cut ends securely bound and the sample sent for a destructive test at an acceptable rope testing laboratory.
  - (2) a test certificate showing the information required by section 7.4.4 (1) (c) shall be obtained from the laboratory and forwarded without delay to the inspector.

#### **Rope Electromagnetic Test**

- 7.4.6** A qualified person, shall test each shaft rope throughout its working length with an electromagnetic rope testing device.
- (1) within 6 months of being put into service and at subsequent intervals of not longer than 6 months, or
  - (2) at intervals shorter than 6 months if an extrapolation of previous test results indicates that the loss of breaking strength of the rope could exceed 10% before the next regular test, or
  - (3) at intervals of not longer than 4 months when the rope has been in service for more than 2 years.

#### **Records**

- 7.4.7** The date of every electromagnetic test carried out and the results obtained shall be entered in the Rope Record Book required by section 7.2.6.

#### **Copy for the Inspector**

- 7.4.8** As record of every electromagnetic test performed, including graphs and their interpretation, signed by the person making the interpretation, shall be sent to the inspector within 28 days of the completion of the test or, if the test indicates a loss of strength of the rope in excess of 7.5%, within 14 days.

#### **Minimum Rope Diameters**

- 7.4.9** The minimum nominal diameter of a hoisting rope shall be
- (1) 16 mm (5/8") where a shaft conveyance or counterweight is supported by a single rope, and
  - (2) 13 mm (1/2") where a shaft conveyance or counterweight is supported by more than one rope.

**Factors of Safety Drum Hoist Ropes**

- 7.4.10** The factor of safety of a hoisting rope installed on a drum hoist shall not be less than
- (1) 8.5 at the point where the rope is attached to the shaft conveyance when carrying its maximum permissible load, or to the counterweight,
  - (2) 5.0 at the point where the rope leaves the head sheave when the shaft conveyance is carrying its maximum permissible load or, the counterweight is at its lowest point of normal travel, and
  - (3) 7.5 at the point where the rope is attached to a skip or counterweight if the maximum material load being carried is accurately determined by weighing.

**Factor of Safety Friction Hoist Ropes**

- 7.4.11** The factor of safety of a hoisting rope installed on a friction hoist shall not be less than the greater of the value obtained from the formula  $8.0 - 0.00164d$ , where  $d$  is the maximum length of rope, in meters, in the shaft compartment below the head sheave or the friction hoist drum, or 5.5.

**Factor of Safety Balance Ropes**

- 7.4.12** The factor of safety of a tail or balance rope shall not be less than 7.0.

**Shaft Rope Record**

- 7.4.13** Whenever a shaft rope is installed or removed from service the appropriate pages in the Rope Record Book required by section 7.2.6, shall be fully completed and a copy sent to the inspector.

**Rope Not to Be Used**

- 7.4.14** No rope shall remain in service as a shaft rope when its breaking strength is found to be less than the following percentage of the breaking strength shown on the pre-installation test certificate required by section 7.4.4(2)
- (1) in any part of a hoisting rope, 90%,
  - (2) in any part of a multi-layer, multi strand balance rope, 90%, and
  - (3) in any part of a single layer, stranded balance rope, 85%.

**Rope to Be Removed**

- 7.4.15** Notwithstanding section 7.4.14, no rope shall remain in service as a shaft rope if
- (1) the extension of a test piece of the rope has decreased to less than 60% of the original extension shown on the test certificate required by section 7.4.4(2),
  - (2) the number of broken wires, excluding filler wires, in any section of the rope equal to one lay length, exceeds 5% of the total number of wires in the rope, excluding filler wires, or

- (3) the rate of stretch in a hoisting rope, installed on a friction hoist, shows a rapid increase in the normal rate of stretch recorded during its service.

### Reporting Defects to Manager

- 7.4.16**
- (1) If, during any examination or test required to be carried out by Part 7 of the code a weakness or defect is discovered which could endanger the safety of any person, the matter shall be reported immediately to the manager and the hoisting equipment shall not be used until the necessary remedial action has been taken.
  - (2) If any examination or test reveals an unusual condition of a shaft rope, although not constituting sufficient reason for condemning the rope a more frequent level of examination shall be conducted until the rope is certified by a professional engineer.
  - (3) The unusual condition and results of the inspection shall be recorded in the Shaft Rope Record Book.

### Conveyances

- 7.5.1**
- (1) All parts of a shaft conveyance or counterweight, when carrying the rated load, shall be capable of withstanding at least 4 times the maximum allowable design stress without permanent distortion.
  - (2) The maximum allowable design stress shall be established by good engineering Practice and include the effects of
    - (a) the weight of the conveyance or counterweight,
    - (b) the rated load,
    - (c) any impact load,
    - (d) any dynamic load,
    - (e) stress concentration factors,
    - (f) corrosion,
    - (g) metal fatigue, and
    - (h) dissimilar materials.

### Worker Protection

- 7.5.2** Where a person performs work from the top of a shaft conveyance or counterweight, the manager shall ensure that there is provided a safe footing, and except when changing shaft guides, protection from falling objects.

### Transport of Supplies and Equipment

- 7.5.3**
- (1) Shaft conveyances shall be equipped with devices for safely securing any equipment or supplies that are to be transported in the shaft.
  - (2) Whenever equipment or supplies are being transported in a shaft, they shall be loaded and secured so as to prevent them from shifting.

- (3) When any material being transported in a shaft projects above the top of the shaft conveyance, the projecting portion shall be securely fastened to the shaft conveyance and not to the hoist rope.
- (4) If equipment is slung underneath a conveyance or crosshead to be transported in a shaft, it shall be suspended in a manner to prevent its contact with any part of the shaft, its lining, or its furnishing.
- (5) All components of a suspension system used to sling equipment underneath a conveyance or crosshead being transported in a shaft shall be capable of withstanding, without permanent deformation, at least 4 times the maximum allowable design stress determined in accordance with section 7.5.1 (2).

### Transporting Persons

- 7.5.4** Except during shaft sinking operations, when a shaft exceeds 60 m in vertical depth a suitable shaft conveyance shall be provided for the transport of persons in the shaft.

### Cage Requirements

- 7.5.5** A cage that is used for the transport of persons in a shaft shall
- (1) where it is supported by a single rope or a single point of attachment, be equipped with safety catches and mechanisms as prescribed in section 7.5.10,
  - (2) except on any side with a door, be enclosed by steel sheet at least 3 mm thick or by material of equivalent strength,
  - (3) have a hood made of steel plate, at least 5 mm thick or of material of equivalent strength,
  - (4) have an internal height greater than 2.1 m,
  - (5) have a clearance at the door greater than 1.8 m, and
  - (6) where practical, have an exit in the roof, which can be opened from inside or outside the cage, through which persons can pass.

### Cage Doors

- 7.5.6** The doors on a cage that is used to transport persons in a shaft shall
- (1) be at least 1.5 m in height,
  - (2) be mounted and arranged so that they cannot be opened outward from the cage,
  - (3) be of solid construction except for a viewing window,
  - (4) be arranged so that they can be closed whenever persons or materials, other than rolling stock, are being transported in the cage,
  - (5) be installed so that there is only enough clearance at the floor to allow them to be readily opened and closed, and
  - (6) be of adequate strength to withstand normal shock loads.

**Transport of Persons in Skip**

- 7.5.7 Except when being used, to transport workers for shaft inspection, maintenance purposes, or when an emergency situation occurs, a skip shall not be used to transport persons.
- (1) When a skip is being used to carry persons, the hoist shall
    - (a) be equipped with control devices that prevent the skip from being taken to the dump position and to the skip loading pocket, unless the controls for loading the skip with ore or waste have been locked out in accordance with section 4.11.2,
    - (b) not be permitted to travel in excess of one-half its normal speed and in no case shall the speed be permitted to exceed 5 m/s, and
    - (c) a skip shall have a suitable platform provided for transporting persons so as to prevent any part of the body protruding outside.
  - (2) The control devices of the hoist shall be designed and installed to fail to safety.
  - (3) An audible or visible signal that the control devices for the hoist are set in operation shall be given to persons entering a skip.

**Fall Protection**

- 7.5.8 The opening between the side of a shaft and the skip box over which a person must pass when entering or leaving the skip shall be closed off sufficiently to prevent a person from falling through the opening.

**Signal Pull Cord**

- 7.5.9 The shaft signal pull cord shall be located in a convenient place for the skip tender when persons are being transported in the conveyance.

**Safety Catches**

- 7.5.10 The safety catches on a cage or skip shall
- (1) be of a type and design approved by a professional engineer,
  - (2) safely stop and hold a cage or skip carrying persons if the hoisting rope or its attachment should fail, and
  - (3) be subjected to, and successfully pass, free fall tests as prescribed in sections 7.5.11 and 7.5.12
    - (a) before the cage or skip is first used for the transport of persons, and
    - (b) before the cage or skip is used for the transport of persons after repairs to correct any defect or distortion of the safety catches and mechanisms.

**Free Fall Tests**

- 7.5.11 The free fall tests required by section 7.5.10 (3) shall be performed under the following conditions



- (1) the cage or skip shall carry a weight equal to the maximum permitted load of persons carried and of any material permitted to be carried at the same time,
- (2) the cage or skip shall travel at a speed equal to the normal hoisting speed when transporting persons, and
- (3) the guides on which the test is made shall be representative of those in the shaft.

#### **Free Fall Tests – Results**

**7.5.12** A free fall test shall be considered successful if

- (1) the cage or skip is decelerated within 1 g and 3 g,
- (2) there is no damage to the safety dogs or mechanisms,
- (3) the safety dogs engage the guides continuously during deceleration, and
- (4) calculations show that the safety dogs would stop the cage or skip when carrying its maximum permitted material load.

#### **Free Fall Tests – Report**

**7.5.13** The results of a free fall test shall be submitted to an inspector and entered in the Hoisting Machinery Record Book.

#### **Chairs**

**7.5.14** Chairs used for landing a cage shall be

- (1) arranged to fall clear and remain clear of the shaft compartment when the cage is lifted off the chair,
- (2) operable only from outside the cage, and
- (3) so arranged as not to distort the cage.

#### **Work Platforms in Shafts**

- 7.5.15**
- (1) Where a work platform that is not a shaft conveyance is used to transport or support a person, it shall be designed by a professional engineer and built in accordance with the design.
  - (2) The manager shall prepare a written procedure for the use of a work platform in a shaft before putting it into service.

### **Hoists**

#### **Drum to Rope Ratio**

- 7.6.1**
- (1) The ratio of a hoist drum diameter to the rope diameter shall be equal to or greater than
    - (a) in the case of a drum hoist, 60 to 1 where the nominal rope diameter is 26 mm (1") or less, and 80 to 1 where the nominal rope diameter is greater than 26 mm (1"),

- (b) in the case of a hoist used for shaft sinking or for preliminary development work during shaft sinking, 48 to 1 where the nominal rope diameter is 26 mm (1") or less, and 60 to 1 where the nominal rope diameter is greater than 26 mm (1"), and
  - (c) in the case of a friction hoist, 80 to 1 for stranded ropes, and 100 to 1 for locked coil ropes.
- (2) Subsection (1) (a) does not apply to a drum hoist installed and approved for use prior to the code coming into force.

### Hoist Brakes Required

- 7.6.2 (1) No hoist shall be used for the transport of persons in a shaft unless it has at least two sets of mechanical brakes to stop and hold the drum from which persons are being hoisted or lowered,
- (2) Each set of mechanical brakes shall
- (a) be capable of safely stopping and holding the drum when the shaft conveyance is carrying its maximum permitted load,
  - (b) be arranged so that it can be independently tested,
  - (c) be arranged to apply normal braking effort before any linkage or brake piston reaches a limit of travel, and
  - (d) if of a drum type, be equipped with a device to give positive indication of tread wear or slack linkage, and prevent any movement of the hoist if predetermined limits are exceeded.

### Brake Application

- 7.6.3 At least one set of mechanical brakes required by section 7.6.2 shall be designed and arranged to
- (1) apply directly to the hoist drum, and
  - (2) apply automatically whenever the safety circuit of the hoist is interrupted and whenever the pressure in the hydraulic or pneumatic brake actuating system drops below normal.

### Brake Control

- 7.6.4 The mechanical braking system of a hoist shall be arranged so that
- (1) the brake is applied by a control lever that is pulled, unless there is a common brake and power lever,
  - (2) where brake weights are installed to provide braking force, they can be readily tested to ensure freedom of movement, and
  - (3) at least one set of hoist brakes is applied automatically if there is a loss of power to the hoist.

### Hoist Drum Deceleration

- 7.6.5 (1) Subject to subsection (2), the brakes of a drum hoist shall be designed and arranged to decelerate the drum at between 1.5 and 3.7 m/s/s

when braking is initiated by an interrupted safety circuit and the hoist is

- (a) normally used for transporting persons, and
  - (b) operating in the normal full speed zone in the shaft.
- (2) Subsection (1) does not apply to a drum hoist installed and approved for use prior to the code coming into force.

### **Brake Testing Required**

- 7.6.6** The braking system of a hoist not normally used for the transport of persons shall be designed and arranged to safely stop and hold the shaft conveyance under all permitted conditions of loading and speed and in either direction of travel.

### **Foot-operated Brake**

- 7.6.7** No hoist shall be equipped with a foot-operated brake.

### **Protective Circuits and Hoist Safety Devices**

- 7.6.8** (1) No electric hoist, regardless of operation, shall be used unless it has a fail-safe, protective electrical circuit at a normal potential not exceeding 250 V and all safety circuits of the electric hoist shall be installed in accordance with CSA M421-00 Use of Electricity in Mines.
- (2) The track limit switch shall be installed in each shaft hoisting compartment above the normal upper limit of travel, and so arranged and positioned that in the event of an overwind it will be operated directly by the shaft conveyance or counterweight to interrupt the hoist safety circuit and bring the hoist to a safe stop before the conveyance or counterweight or rope attachments can reach any permanent obstruction in the shaft or headframe.

### **Synchronization**

- 7.6.9** A device shall be installed on each friction hoist to synchronize the position of the shaft conveyance with the safety devices driven from the hoist drum.

### **Electric Hoist – Requirement**

- 7.6.10** Every electric hoist shall have a speed indicator if the normal rope speed exceeds 2.5 m/s and a device which gives a voltage reading proportional to the speed of the hoist.

### **Electric Hoists – Safety Devices**

- 7.6.11** All safety circuits of an electric hoist shall be installed in accordance with CSA M421-00 Use of Electricity in Mines.

**Electric Hoists – Controls**

- 7.6.12** Every electric hoist shall have
- (1) a master controller that has a neutral or brake reset position,
  - (2) the brake operating levers arranged so that, after any interruption of the hoist safety circuit, power cannot be restored to the hoist unless the brake levers are in the brake-applied position, and
  - (3) accurate and sensitive safety controllers.

**Safety Devices – Design and Adjustment**

- 7.6.13** Every safety and protective device installed at a hoisting installation shall
- (1) be designed and installed taking into account the environmental conditions at its operating location, and only be adjusted and maintained by a qualified and authorized person.

**Indicators**

- 7.6.14** A hoist shall be provided with depth indicators that continuously, accurately, and clearly show the hoist operator the position
- (1) of a shaft conveyance and counterweight, if any,
  - (2) in an inclined shaft, of a change in gradient that requires a reduction in hoist speed,
  - (3) at which the overwind, underwind, and track limit devices are set to operate,
  - (4) of any intermediate shaft obstruction,
  - (5) of the limits of normal travel for the shaft conveyance and counterweight, if any, and
  - (6) of any collar doors, dump doors, and crosshead landing chairs.

**Drum Requirements**

- 7.6.15** No drum hoist shall have
- (1) more than 3 layers of rope where the drum has helical or spiral grooving or does not have grooving,
  - (2) more than 4 layers of rope if the drum has parallel and half pitch grooving, and
  - (3) less than 3 dead turns of rope remaining on the drum when the conveyance or counterweight is at its lowest possible position in the shaft.

**Drum Grooves and Flanges**

- 7.6.16** (1) A cylindrical drum on a hoist shall be provided with
- (a) grooves that properly fit the rope in use, except that during shaft sinking operations and preliminary development work, a smooth drum may be used, and

- (b) flanges of sufficient height to contain all of the rope on the drum and of sufficient strength to withstand any loads imposed by the rope.
- (2) Any conical portion of a hoist drum shall be provided with grooves to prevent the rope from slipping on the drum.
- (3) A drum hoist and a sheave shall be arranged so that the rope coils properly across the face of the drum and winds smoothly from one layer to another without cutting into the rope layer beneath.

#### **Brake/Clutch Interlock**

- 7.6.17**
- (1) A clutch of a drum hoist shall be interlocked with the brake so that
    - (a) the clutch can be disengaged only when the brake of the drum is fully applied, and
    - (b) the clutch is fully engaged before the drum can be released.
  - (2) The controls for engaging and disengaging a clutch shall be designed or equipped with guards to prevent their inadvertent operation.
  - (3) A band type friction clutch shall not be used.

#### **Slack Rope Detection**

- 7.6.18** Drum hoists shall be equipped with a device for detecting slack hoist rope.

### **Communications and Signaling**

#### **Cage Call System**

- 7.7.1** Cage call systems shall be installed so that the signals are audible to the hoist operator and electrical components are installed as per CSA M421 Use of Electricity in Mines.

#### **Hoist Signaling System**

- 7.7.2** A signaling system shall be installed at every hoisting shaft to permit the person in charge of the shaft conveyance and the hoist operator to exchange hoist control signals.

#### **Signaling System – Electrical Requirements**

- 7.7.3**
- (1) The signaling system required by section 7.7.2 shall be supplied with power at a potential not exceeding 150 V from a transformer which does not supply any other equipment.
  - (2) If the primary voltage of the transformer exceeds 750 V
    - (a) one conductor of the power supply shall be grounded, or
    - (b) if the conductors are ungrounded, an isolating transformer with a one-to-one ratio shall supply power for the signaling system, and
    - (c) a device shall be installed to indicate a ground fault.

- (3) All metal parts of the signaling system which do not carry electrical current shall be grounded unless located not less than 2.4 m above the floor.

#### **Multi-deck Stage Signals**

- 7.7.4 A shaft signaling system installed on a multi-deck stage at a sinking operation shall be capable of providing a signal that is both audible and visible.

#### **Radio Frequency Signals**

- 7.7.5 A shaft signaling system using radio frequencies shall
- (1) be tested to determine if there is any hazard to the use of blasting caps in the mine, and
  - (2) only be operated if precautions are taken to prevent the risk of an inadvertent or accidental detonation of any explosive material as a result of radiated energy.

#### **Persons Authorized to Give Signals**

- 7.7.6
- (1) Only qualified persons authorized by the manager shall give any shaft signal other than the danger signal.
  - (2) Except during maintenance work, shaft sinking, or preliminary development work, or to recall a conveyance after a 5 bell release, no person shall give any shaft signal unless the shaft conveyance is located at the level from which the signal is being given.
  - (3) No person shall interfere in any way with the signaling arrangements.

#### **Signaling System Operation**

- 7.7.7
- (1) A hoist shall not be moved on manual control unless
    - (a) the signal prescribed in section 7.7.9 has been given and returned by the hoist operator,
    - (b) at least 4 seconds have elapsed after the executive signal has been given, and
    - (c) if the hoist operator is unable to act within 30 seconds of receiving the executive signal, until a complete signal has again been received.
  - (2) Shaft signals shall be given in the following sequence
    - (a) cautionary,
    - (b) destination, and
    - (c) executive.

- 7.7.8 The prescribed code of signals set out in Appendix 7-1 of this part shall be used at every mine, and a copy of the signal code posted in every hoistroom, at the collar of the shaft, and at every working level or other landing in the shaft.

**Special Signals**

- 7.7.9 (1) Special signals in addition to , and readily distinguishable from, those prescribed in section 7.7.8 shall
- be used to designate hoist movements without interfering in any way with the prescribed signals, and
  - be approved by the inspector.
- (2) The special code of signals in use at a mine and an adequate description of their application shall be posted in the hoistroom, at the shaft collar, and at every working level of the shaft.

**Voice Communications**

- 7.7.10 A system for communicating by voice shall be installed and maintained to permit communication between persons at the collar of the shaft, the landing stations, and the hoistroom for the shaft.

**Hoisting Procedure****Transport of Persons**

- 7.8.1 Persons shall not be transported in a shaft conveyance that is simultaneously being used to transport ore, or other material, or when the cage doors are open.

**Transport of Persons With Supplies**

- 7.8.2 Where a multi-deck cage is in use, no persons shall be allowed to travel in the cage when it is loaded with supplies or rolling stock, except that persons may be carried on the top deck with the doors closed if
- the materials and rolling stock are loaded on another deck and adequately secured, or
  - the combined load does not exceed 85% of the material load limit of the cage.

**Transport of Persons With Personal Equipment**

- 7.8.3 No persons shall be allowed to travel in a shaft conveyance when personal hand tools or equipment are being transported unless
- they are adequately secured and guarded where necessary, and
  - the combined load does not exceed 85% of the material load limit of the conveyance.

**Authorized Person in Charge of Conveyance**

- 7.8.4 (1) Whenever persons are being transported in a shaft conveyance where the hoist is operated under manual control, there shall be a qualified and authorized person in charge of the conveyance at all times who shall

- (a) maintain discipline whenever persons are riding in the shaft conveyance,
  - (b) enforce the specified load limits for the shaft conveyance, and
  - (c) notify the hoist operator if a heavy or an irregularly shaped load is being handled.
- (2) Whenever persons are underground in a part of a mine served by a shaft hoist operated under manual control, the person in charge of the conveyance shall, when not riding in the conveyance, be available within sound of the shaft signals at all times.

**Transport of Explosives**

- 7.8.5** No person shall travel in a shaft conveyance that is carrying explosives, unless the person is required to handle the material and there is adequate space for the person's safety.

**Notice Showing Conveyance Capacity**

- 7.8.6** A notice clearly showing the load restrictions for the weight of material and the number of persons to be carried in the shaft conveyance shall be posted at the shaft collar and all entrances to the shaft.

**Compartment Entry Prohibited**

- 7.8.7** No person shall enter a hoisting compartment of a shaft in which hoisting operations are being carried on, except to enter or leave a shaft conveyance in that compartment.

**Hoisting Suspended During Shaft Work**

- 7.8.8**
- (1) Except during shaft sinking operations and concurrent preliminary development work, no hoisting operations shall be carried out simultaneously with any other work in a shaft compartment or in that part of the headframe used in conjunction with it.
  - (2) Where such work is to be done, the person in charge shall warn the hoist operator on duty and make a signed entry in the Hoist Operator's Logbook.

**Shaft Examination**

- 7.8.9**
- (1) No person shall work in a shaft or in that part of the headframe used in conjunction with it unless the person is adequately protected from accidental contact with a moving shaft conveyance and the danger of falling material or rock.
  - (2) No loading pocket shall be equipped with doors, gates, or chains which are closed by positive pressure, and which may open if the supply fails and discharge material into the shaft.



- (3) No person shall work in a shaft compartment, or in a place immediately adjoining the compartment, or in that part of the headframe used in conjunction with it while hoisting operations are being carried on in the compartment, except where
  - (a) the shaft conveyance is necessary for carrying out the work, or
  - (b) the person is engaged in filling skips at a loading station and is properly protected in a location having adequate dimensions for safely carrying out the person's duties, or
  - (c) the work is being performed in a separate compartment that meets the requirement of section 7.1.5 (2).

### Automated Hoisting

- 7.8.10**
- (1) Where a hoist is being operated by automatic or semi-automatic control and no other means are available for getting persons out of the mine quickly, a qualified hoist operator shall be readily available to operate the hoist whenever workers are underground.
  - (2) A device that permits changing from manual to automatic control shall be installed on an automatic hoist and the device shall be located where it is readily accessible to the manual controls, and operated only by an authorized person.

### Automatic Hoisting – Location of Controls

- 7.8.11**
- (1) Where a hoist is designed to be operated automatically from controls located at shaft stations and inside the cage, the switch for effecting a changeover of the control made between the shaft station and the cage shall be effective only at the shaft station where the cage is stopped.
  - (3) Devices installed at shaft stations for selecting the cage destination and initiating hoist movement shall be effective only when the cage is stopped at that station.
  - (4) Except for jogging movements, a control located at a shaft station for initiating hoist movement shall be effective only when the shaft gate is closed.
  - (5) When an executive signal is given from a control at a shaft station, at least 5 seconds shall elapse before the hoist moves.
  - (6) Except for jogging movements, devices located inside a cage for initiating hoist movements shall be effective only when the doors of the cage and the shaft gates are closed.
  - (7) Where a control for initiating hoist movement is located inside a cage, a device shall be installed in the cage which can cause the hoist safety circuit to be interrupted in an emergency.
  - (8) If an emergency stop occurs during automatic or semiautomatic hoisting operations, an alarm shall sound and the hoist shall be operated manually until the reason for the emergency stop has been

found and, if caused by a fault, until the fault has been corrected and the hoist operated for sufficient time to ensure that it is operating normally.

#### **Brake, Overwind and Underwind Testing**

- 7.8.12** (1) After going on shift, and before raising or lowering a shaft conveyance, the hoist operator shall ensure that each drum brake is capable of holding its maximum permitted load by testing it against the normal, full load starting torque of the hoist. The drum shall not be unclutched until the test has been made.
- (2) At least once in each 24-hour period of hoist operation, test the overwind and underwind protective devices by slowly raising or lowering the shaft conveyance or counterweight into them.

#### **Hoisting Stoppages**

- 7.8.13** A hoist operator shall make a return trip of the shaft conveyance
- (1) through the working part of the shaft after any stoppage of hoisting for more than 2 hours, and
- (2) below any part of a shaft that has been under repair, after the repairs have been completed.

#### **Hoist Operator's Responsibilities**

- 7.8.14** A hoist operator shall
- (1) remain at the hoist controls at all times that the hoist is in motion under manual control,
- (2) not talk with anyone while the hoist is in operation under the hoist operator's control, except in an emergency and during shaft maintenance and examination,
- (3) not operate the hoist to transport any person unless at least two brakes can be applied to safely stop the conveyance,
- (4) not lower persons on an unclutched drum, and
- (5) whenever the hoist operator leaves the hoist controls, except when the hoist is put on automatic control, set the brakes and the controls so that at least two separate and distinct actions are required to put the hoist in motion.

#### **Signals to Hoist Operator**

- 7.8.15** (1) A hoist operator shall complete any hoist movement required by an executive signal without stopping unless the hoist operator receives a "stop" signal or an emergency occurs.
- (2) After receiving a 3-bell signal, a hoist operator shall remain at the hoist controls unless advised orally by the person in charge of the conveyance that hoist movement will not be required.

**Hoist Operator to Attend to Hoist Only**

- 7.8.16** A hoist operator shall not be required to look after any other machinery except with the approval of the chief inspector.

**Hoisting Prohibition**

- 7.8.17** No person shall
- (1) operate or interfere with any devices or controls for operating a hoist unless qualified and authorized,
  - (2) speak to the hoist operator while the hoist operator is operating the hoist on manual control, except in an emergency or when the hoist is being repaired, maintained, or adjusted and a notice to this effect shall be posted in the hoistroom,
  - (3) be on a cage while it is being placed onto or removed from chairs,
  - (4) be in, on, or under a shaft conveyance or counterweight which is supported by an unclutched drum unless the conveyance or counterweight is secured in position or unless permitted by section 7.1.22 (1), or
  - (5) leave a shaft conveyance that has inadvertently stopped at a point other than a shaft station, except upon instruction from a qualified and authorized person outside the conveyance.

**Chairing Cage**

- 7.8.18** Chairs shall not be used for landing a cage unless
- (1) a signal for chairing has been given and returned, or
  - (2) special arrangements have been made to operate a cage with a car, in balance, from that location.

**Object Falling Down Shaft**

- 7.8.19** The normal operation of a hoist shall be suspended if an object, which may be a hazard to the operation of a shaft conveyance or counterweight, has fallen down the shaft until,
- (1) a shaft inspection and a trial run through the affected part of the shaft have been made,
  - (2) any obstructions have been removed, and
  - (3) any damage affecting safe operation has been repaired.

**Hoisting Procedures**

- 7.8.20**
- (1) The manager shall issue written procedures for the safe operation of the hoist and have them posted in the hoist room.
  - (2) Every hoist operator shall be instructed in these procedures which shall include
    - (a) operating the hoist where there is an intermediate shaft obstruction,
    - (b) emergency procedures,

- (c) commencing hoisting operations after an inadvertent stoppage of the hoist, and
- (d) the operation of any safety devices.

#### **Inadvertent Stoppage of Hoist**

- 7.8.21** (1) The manager shall develop procedures for removing persons from a shaft conveyance that has inadvertently stopped at a place in the shaft other than a shaft station.
- (2) The person designated to be in charge of a shaft conveyance by virtue of section 7.8.4, shall be readily available and trained to carry out these procedures.

#### **Signal Required**

- 7.8.22** No hoist operator shall move a shaft conveyance without receiving a proper signal unless the conveyance has been inadvertently stopped at a point in the shaft other than a station from which signals can be given, and the hoist operator has received instructions from a qualified and authorized person.

### **Record Keeping**

#### **Hoist Operator's Logbook**

- 7.9.1** A hoist operator shall, each shift, enter in the Hoist Operator's Logbook
- (1) the working condition of the hoist brakes, clutches, clutch-brake interlocks, depth indicators, hoist controls, signaling systems, overwind and underwind devices, and any other devices that may affect the safe operation of the hoist,
  - (2) any instructions the hoist operator received and any unusual circumstances that occurred affecting the normal operation of the hoist,
  - (3) the results of any tests or trial trips made in compliance with the code, and
  - (4) a report of any inadvertent stoppages that occurred.

#### **Hoist Operator's Entries in Logbook**

- 7.9.2** A hoist operator shall
- (1) before commencing to operate the hoist, review and countersign all entries in the Hoist Operator's Logbook for the preceding two shifts,
  - (2) enter in the logbook the time at which the hoist operator commenced and finished the hoist operator's shift, and
  - (3) sign all entries made during the shift.

**Hoist Operator's Logbook – Supervisor's Entries**

- 7.9.3 (1) Any person issuing instructions to a hoist operator shall record and sign such instructions in the Hoist Operator's Logbook.
- (2) Each working day, the supervisor in charge of a hoist shall review and countersign all entries made in the Hoist Operator's Logbook during the preceding 24-hour work period.
- (3) The Hoist Operator's Logbook shall be kept in the hoistroom and be available for inspection at all times.

**Rope Certificate**

- 7.9.4 No shaft rope shall be used unless it is accompanied by a certificate from the manufacturer giving the following information
- (a) name and address of the manufacturer, coil or reel number, date of manufacture and type, length, and diameter of rope,
  - (b) weight per unit of length, number of strands, number of wires in each strand, class of core, diameter of wires, breaking stress of steel from which the wire is made, and the results of torsion tests of individual wires, and
  - (c) its breaking load as determined by actual tests at a recognized testing laboratory.

**Record Book**

- 7.9.5 (1) The rope data required by section 7.9.4 along with the additional following information shall be entered in a book known as the Shaft Rope Record Book.
- (2) The following information shall be included; date of purchase, date installed, identification number, name of shaft and compartment in which the rope is used, weight of shaft conveyance, maximum weight of material carried, weight of maximum length of rope in service, and static factor of safety.

**History of Shaft Rope**

- 7.9.6 (1) The Shaft Rope Record Book shall contain a history of each shaft rope including
- (a) the date it was installed, shortened and removed, and reason for removal,
  - (b) dates and summaries of destructive and nondestructive tests, and
  - (c) certification of trial trips and examinations.
- (2) The Shaft Rope Record Book shall always be available for inspection.

**Non-destructive Tests: Hoisting Equipment**

- 7.9.7 Without limiting section 7.4.6, every part of a hoist and hoisting equipment the failure of which could endanger persons, shall be subjected to an annual non-destructive test conducted by a certified person, and a copy of the test results shall be forwarded to an inspector.

**Qualified Person to Be Appointed**

- 7.9.8** The manager shall appoint a qualified person, or persons, to carry out the inspections prescribed in sections 7.9.9, 7.9.10, 7.9.11, 7.9.12 and 7.9.13 of the code.

**Daily Inspection**

- 7.9.9** At least once in each normal production day, an inspection shall be carried out of
- (1) the exterior of each hoisting rope and tail rope to detect the presence of kinks or other visible defects and to note the condition of the rope dressing, and
  - (2) the cage safety catches for any visible damage or defects.

**Weekly Inspection**

- 7.9.10** At least once in each week, an inspection shall be carried out of
- (1) all shaft conveyance safety mechanisms for proper adjustment, freedom of movement, and freedom from damage,
  - (2) all head, deflection and idler sheaves, and shafts and their bearer and sole plates,
  - (3) all rope attachments, shaft conveyance and counterweight attachments, and suspension gear,
  - (4) any shaft conveyance counterweight and work platform,
  - (5) all parts of the hoist that could affect its normal operation including the brakes, clutches, interlocks, depth indicators, and all safety devices,
  - (6) any hoisting equipment being used during shaft sinking operations, and
  - (7) any auxiliary brake operating weights to ensure that they move freely and have adequate holding capacity.

**Monthly Inspection**

- 7.9.11** At least once each month, an inspection shall be carried out of
- (1) the shaft ropes to determine the amount of wear, distortion and corrosion, the need for lubrication, and the need for changing any wear patterns,
  - (2) the hoisting ropes to determine the number of broken wires, and
  - (3) the friction treads on a friction hoist.

**Six-monthly Inspection**

- 7.9.12** At least once in every 6 months of service, an inspection shall be carried out of

- (1) the hoisting rope on a drum hoist within the attachments at the drum and at the drum spout, and
- (2) the hoisting rope of a friction hoist within the attachments at the shaft conveyance and counterweight in accordance with a procedure established by the manager.

### Annual Inspection

**7.9.13** At least once in every 12 months, an inspection shall be carried out of,

- (1) foundation bolts, bolt locking devices, and all other bolts and fastenings that are critical for hoist safety, and
- (2) the bails, suspension gear and structural components of every shaft conveyance and counterweight.

### Testing Safety Catches

- 7.9.14** (1) A qualified and authorized person shall, at least once in every month, test the safety catches on a shaft conveyance by suddenly releasing the empty conveyance from rest so that the safety dogs have the opportunity to grip the shaft guides and hold the conveyance.
- (2) At least once in each year, the safety catches shall be subjected to a quick release test with the conveyance carrying a load equivalent to the maximum allowable load for that conveyance.
- (3) If the safety catches do not operate satisfactorily, the shaft conveyance shall not be used for the transport of persons until the necessary repairs have been made and the safety catches re-tested and found to be satisfactory.

### Hoist Rope Maintenance

- 7.9.15** (1) Hoisting ropes in use on a drum hoist shall be cleaned when necessary and be dressed with lubricant at least once each month so as to maintain a good coating.
- (2) The supervisor in charge of the work shall enter the date and sign a record of the rope cleaning and dressing in the Hoisting Machinery Record Book.

### Special Requirements for Ends of Rope

- 7.9.16** After every eighteen months of service on a friction hoist, the portion of a hoisting rope or tail rope that is within a wedge and socket attachment shall be cut off unless that portion of the rope is visually examined by a qualified and authorized person and found not to have
- (1) any broken wires, significant corrosion, or serious pitting, and
  - (2) any excessive deformation of the wires.

**Hoisting Machinery Record Book**

- 7.9.17** A record of all inspections and examinations carried out in compliance with Part 7 of the code on the hoisting equipment, and a record of all repairs and maintenance work done, shall be entered in the Hoisting Machinery Record Book and all entries shall be dated and signed by the person who performed the work.

**Record of Mechanical Failures and Accidents**

- 7.9.18** (1) A record of any failure or accident involving a mechanical part of a hoist installation shall be made in the Hoisting Machinery Record Book by the supervisor responsible for the mechanical parts of the hoisting plant.
- (2) The supervisor responsible for the mechanical parts of the hoisting plant shall countersign each entry made in the Hoisting Machinery Record Book with respect to all examinations and inspections carried out in compliance with Part 7 of the code.

**Electrical Inspections**

- 7.9.19** (1) A qualified and authorized person or persons shall be appointed by the manager to examine, inspect, and test the electrical parts of an electrically powered or controlled hoist.
- (2) The person or persons appointed shall, at least once each week, make an examination of the hoist motors, the hoist controls, the electrical safety devices, and the signaling system.
- (3) A record of the examinations and of all repair and maintenance work carried out shall be made in the Electrical Hoisting Equipment Record Book.
- (4) All entries in the Electrical Hoisting Equipment Record Book shall be dated and signed by the person performing the work.

**Record of Electrical Failures and Accidents**

- 7.9.20** A record of any failure or accident involving an electrical component of a hoist motor, a hoist control, an electric safety device, or the signaling system shall be made in the Electrical Hoisting Equipment Record Book by the supervisor in charge of the electrical parts of the hoisting equipment.

**Hoisting Plant Supervisor's Responsibilities**

- 7.9.21** The supervisor in charge of all of the hoisting plant and equipment shall
- (1) at least once each week, review the entries made in the Hoisting Machinery Record Book and the Electrical Hoisting Equipment Record Book during the preceding week,



- (2) ensure that all examinations and tests, required by Part 7 of the code, have been carried out and any necessary repairs or adjustments made, and
- (3) upon completion of the supervisor's review, certify in each record book that the supervisor has complied with subsections (1) and (2).

### Shaft Inspection

- 7.9.22** A qualified and authorized person shall carry out an examination
- (1) at least once every week, of each mine shaft,
  - (2) at least once every month, of the shaft guides, timbers, walls, and compartments used for hoisting,
  - (3) at least once every year, of the headframe, headframe foundations and back legs, sheave decks, dumps, bins, and bin supports,
  - (4) of the shaft sump at such frequency as is necessary to ensure that the tail, guide, and rubbing rope connections are clear of water and spillage, and
  - (5) at least once every year, of the water in the shaft sump to determine the pH value.

### Record of Shaft Inspection

- 7.9.23** A record of the examinations required by section 7.9.22, and a record of all maintenance and repair work performed shall be entered in the Shaft Inspection Record Book and all entries shall be dated and signed by the person who carried out the work.

### Supervisor of Shaft and Headframe Responsibilities

- 7.9.24** The supervisor in charge of the mine shaft and headframe shall
- (1) at least once each week, review the entries made in the Shaft Inspection Record Book during the preceding week,
  - (2) ensure that all examinations and tests required by Part 7 of the code have been carried out and any necessary repairs or adjustments made, and
  - (3) upon completion of the supervisor's review, certify in the Shaft Inspection Record Book that the supervisor has complied with subsections (1) and (2).

## Appendix 7-1

## Mine Shaft Signal Code

- 1 bell** STOP IMMEDIATELY – if in Motion
- 1 bell** HOIST
- 2 bell** LOWER
- 3 bell** PERSONS ABOUT TO ENTER OR LEAVE CONVEYANCE
- (1) The 3-bell signal shall be given before persons are permitted to enter or leave the shaft conveyance.
  - (2) Where a return bell signal system is installed, the hoist operator shall return the 3-bell signal before persons are permitted to enter or leave the shaft conveyance.
  - (3) A hoist operator who has received a 3-bell signal shall remain at the hoist controls until receipt of the signal designating the movement required and completion of the movement.
  - (4) The hoist operator shall initiate a 3-bell signal as the shaft conveyance approaches the level.
- 4 bell** BLASTING SIGNAL
- (1) The hoist operator shall answer a 4-bell signal by raising the shaft conveyance a few feet and then lowering it slowly.
  - (2) Following a 4-bell signal, only a one bell signal shall be required to signal for raising workers away from a blast.
  - (3) The hoist operator shall remain at the controls until the act of raising has been completed.
- 5 bell** RELEASE SIGNAL
- The hoist operator on receiving a 5-bell signal may move the shaft conveyance to another point in the shaft, not a recognized stopping point and stop it there at the hoist operator's own discretion, but the person giving the release signal shall remain to guard the conveyance until it is moved.
- 9 bell** DANGER SIGNAL
- This signal shall be given only in case of fire or other danger, and followed by the signal for the level at which the fire or other danger exists.
- 1 bell followed by 2 bell** – CHAIRING
- 3 bell followed by 3 bell followed by 1 bell** – HOIST SLOWLY
- 3 bell followed by 3 bell followed by 2 bell** – LOWER SLOWLY.

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## Magazines

### Permit Required

- 8.1.1 The manager shall
- (1) apply for and receive an Explosives Storage and Use Permit from the inspector before a magazine is located, erected, built, put into service, or modified, or before carrying out any maintenance work including the installation of lighting or heating, and
  - (2) ensure that the magazine meets the regulations and standards of the *Explosives Act* (Canada).

### Magazine Location

- 8.1.2
- (1) The manager shall select the site for a magazine in accordance with *Explosives Act* (Canada) and NRC Explosives Branch.
  - (2) The manager shall cease to use the magazine for the storage of explosives if the conditions under which the permit was issued are no longer valid.
  - (3) Upon taking a magazine out of service the manager shall
    - (a) return to the inspector, by registered mail, the storage and use permit for the magazine taken out of service,
    - (b) remove all explosives from the magazine, and
    - (c) dispose of all unused explosives in a suitable manner.

### Electrical Specifications

- 8.1.3 In every magazine the electrical equipment and wiring shall meet the requirements of CSA Standard M421-00 and NRCan “Storage Standards for Industrial Explosives.

### Flammable Material

- 8.1.4 Gasoline, oil, or other flammable material shall not be stored in a magazine, or nearer to a magazine than the distance required by the Table of Distances in NRC Explosives Branch “Blasting Explosives and Detonators Storage, Possession, Transportation, Destruction and Sale,” or as directed by the chief inspector.

### Magazine Signs

- 8.1.5 All magazines must have suitable signs
- (a) located in a manner that does not attract undue attention, and
  - (b) prohibiting open flames, or any ignition source including smoking within 10 metres.

### Magazine Rules

- 8.1.6 Every magazine shall be operated and maintained in accordance with the NRC regulation and the following rules

- (1) it shall be in the charge of a authorized person who shall carry out a weekly inspection of the magazine,
- (2) it shall be locked at all times, except when explosives are being moved, and only the authorized person(s) are in possession of the key,
- (3) it shall have an up to date inventory of its contents in a special logbook and all entries shall be signed by the authorized person in charge,
- (4) it shall be kept clean, dry, and free from grit at all times,
- (5) it shall be kept free of broken explosives packages or spilled explosives, and when necessary, the shelves and floors shall be treated with a suitable neutralizing agent to remove all traces of explosive substances,
- (6) it shall have its contents arranged in a tidy and organized manner, including any explosives returned from a workplace,
- (7) it shall not contain any exposed iron or steel except in fixtures, and
- (8) stock shall be rotated, so for each type and size of explosive, the oldest stock is used first.

#### Posting Rules

- 8.1.7** A copy of the rules for magazine operation and maintenance, required by section 8.1.6, shall be posted inside every magazine.

#### Storage of Detonators

- 8.1.8**
- (1) Detonators shall be stored in a special, separate building designated as a “Detonator House”, to which the rules for magazines required by section 8.1.6 shall apply.
  - (2) Detonators shall not be kept or stored with explosives or taken into any magazine containing explosives.
  - (3) In an underground mine with the permission of the inspector, detonators may be kept or stored in suitable, closed containers which shall not be placed closer than 10 m to any explosives except during transport or when priming.

#### No Smoking

- 8.1.9** No person shall smoke while handling, transporting or using explosives.

#### Underground Explosive Storage

- 8.1.10** In an underground mine, other than a coal mine
- (1) A magazine for the storage of more than a 24 hour supply of explosives may be established with the written approval of the inspector.

- (2) Explosive storage boxes, holding not more than a 24 hour supply, may be maintained in each working place without the permission of an inspector. The boxes shall be clearly marked “Explosives.”
  - (a) A current record of every magazine or explosive storage area shall be kept.
- (3) A magazine, explosive container, or explosive storage area shall be
  - (a) located at least 100 metres from a shaft, hoist room, main access ramp, refuge station, transformer vault or a fuel storage or fuel transfer area, and
  - (b) located so that there is no possibility of a vehicle colliding with a storage container, and
  - (c) located so that in case of fire in the mine the explosives are not likely to become overheated, and
  - (d) conspicuously marked by “Explosives” sign or signs.
- (4) Detonators are not to be stored within 10 metres of explosives, and
- (5) Where longhole blasts or similar blasting operations are being carried out, such quantities of explosives as can be loaded in a 24 hour period together with an amount that may be necessary to maintain that supply may be kept in a designated storage area that is not a magazine which is under the control of an authorized person.

### Blasting Certificates

#### Blasting Certificate Required

- 8.2.1** (1) No person shall conduct, or be permitted to conduct, a blasting operation unless the person holds a provisional or valid blasting certificate granted under this part of the code.
- (2) No person shall be granted a provisional or valid blasting certificate unless the person is able to give and receive orders in the English language.

#### Assistance for Blaster

- 8.2.2** A person who does not hold a blasting certificate shall not prepare a blast, but a certificated blaster may be assisted by a reliable person not holding a blasting certificate. The blaster shall ensure that the person assisting the blaster remains under the blaster’s supervision.

#### Provisional Blasting Certificates

- 8.2.3** A provisional blasting certificate, valid for a period not exceeding 90 days, may be granted by the manager, on a one time basis, and a copy of the certificate shall be sent to the inspector.

**Blasting Certificate Examination**

- 8.2.4 An applicant for a blasting certificate shall pass a written examination, and satisfy the inspector that the applicant is qualified to perform the duties of a blaster.

**Certificate Restrictions**

- 8.2.5 (1) A blasting certificate may contain any restriction deemed necessary by the inspector.
- (2) The blaster shall deliver the blaster's certificate to the manager when the blaster commences employment at the mine and the manager shall return it to the blaster when the blaster's employment is terminated, unless the certificate has been suspended under section 8.2.6 or 8.2.7.
- (3) The blasting certificate shall be valid for a period of 5 years.

**Blasting Certificate Suspension by Manager**

- 8.2.6 The manager shall suspend a person from working with explosives if, in the manager's opinion, the person fails to comply with any section of the code related to blasting, commits a careless act with explosives or detonators, or is unfit to perform the person's duties as a blaster, and the manager shall notify the inspector of the suspension without delay.

**Blasting Certificate Suspension by Inspector**

- 8.2.7 An inspector may suspend or cancel a blasting certificate if, in the inspector's opinion, the holder fails to comply with any section of the code related to blasting, commits a careless act with explosives or detonators, or is unfit to perform the holder's duties.

**Use, Care and Handling of Explosives****Acceptable Explosives**

- 8.3.1 Explosives used in a mine shall be licensed, as per the *Explosives Act* (Canada), and they shall be used in accordance with the manufacturers recommendations.

**Identification of Explosives**

- 8.3.2 All explosives shall have plainly marked or printed on the exterior of every original package.
- (1) the name and place of business of the manufacturer and the date of its manufacture,
  - (2) the type and strength of the explosive, and the dimensions of the cartridge,
  - (3) the UN classification number and the dangerous goods classification, and



- (4) when full cases of detonators, detonating cords, and boosters are received, the inner cartons are immediately marked with the magazine license number.

### Opening Containers

- 8.3.3** Only implements made of non-sparking material shall be used to open cases containing explosives.

### Defective Explosives

- 8.3.4** Any explosives believed to be defective shall
- (1) if in a workplace, be immediately removed,
  - (2) be reported to the manager and the inspector, and
  - (3) be destroyed in a safe manner in accordance with the manufacturer's recommendations.

### Safety Fuse Assemblies

- 8.3.5** The manager must provide a written procedure for the use of safety fuse.

### Frozen Explosives

- 8.3.6** Frozen explosives shall not be loaded until the product has been thawed in a manner recommended by the manufacturer. They shall not be warmed near an open fire or a steam boiler, nor by direct contact with steam or hot water.

### Blasting Heated Rock

- 8.3.7** Where the temperature of the rock or material to be blasted exceeds 65 degrees Celsius, the manager shall ensure that special procedures and precautions are developed and these procedures shall be forwarded to the OHSC.

### Transporting Explosives

- 8.3.8** Explosives and detonators
- (1) shall be carried or transported in the manner prescribed in this code, and
  - (2) if not used, shall be returned to the magazine or storage box, and shall not be hidden in or about the mine.

### Careless Acts

- 8.3.9** (1) No person shall
- (a) commit a careless act with explosives or detonators, or
  - (b) having discovered that such an act has been committed, neglect or omit to report immediately the incident to the shiftboss, who shall report the matter forthwith to the manager.

- (2) The manager shall report the offence, without delay, to the inspector and to the OHSC.

#### **Blasters Medical Surveillance**

- 8.3.10** Blasters that are continually handling nitro-glycerine based explosives shall have a medical examination on a frequency of less than 3 year intervals to determine sensitivity to and any harmful health effects from the continued exposure to nitroglycerine.
- 8.3.11** Electric detonators shall not be used when extraneous currents (stray currents) exceed 50 milliamps (.05 amps).

### **Transportation of Explosives**

#### **Supervision by a Competent Person**

- 8.4.1** (1) Only a person authorized by the manager, shall remove explosives from a magazine and transport them to a workplace, and such a transfer shall be made without undue delay.
- (2) No person shall smoke or have open-flame lights within 10 m of a vehicle transporting explosives.

#### **Vehicle Requirements**

- 8.4.2** A vehicle used to transport explosives shall
  - (1) have a separate compartment for the explosives which prevents them from coming into contact with any metal that could produce a spark,
  - (2) be constructed so that the explosives cannot fall from the vehicle,
  - (3) when carrying explosives, be provided with orange diamond-shaped placards and clearly visible signs marked "Explosives" in letters not less than 150 mm in height which are posted on the front, rear, and sides of the vehicle,
  - (4) not be refueled when carrying explosives, except in an emergency,
  - (5) have its engine shut off while loading or unloading explosives except where the vehicle uses an engine-powered device for loading and unloading the explosives,
  - (6) only be operated by an authorized person, and
  - (7) be equipped with suitable fire extinguishing equipment.

#### **Transport of Detonator**

- 8.4.3** A vehicle used to transport explosive material at a mine shall only carry detonators when the detonators are separated from other explosives by a solid partition of wood 15 centimetres thick and extending at least 15 centimetres above the highest level to which explosives are packed in the vehicle.

**Transport by Locomotive**

- 8.4.4** When explosives or detonators are being transported by means of a locomotive they shall
- (1) not be carried on the locomotive,
  - (2) be protected from any trolley wires, batteries or other hazards, and
  - (3) not be transported in front of the locomotive unless a worker walks in front to effectively guard them.
- 8.4.5** The person in charge of moving explosives or detonators to a headframe for transporting underground shall, immediately before doing so, notify the hoist operator, the deck person, and the cage tender.

**Separate Containers**

- 8.4.6** Explosives and detonators shall be transported in separate containers.

**Loading and Priming****Care in Loading**

- 8.5.1** (1) Only loading tools made of non-sparking materials shall be used.
- (2) Explosive shall not be loaded into a hole
- (a) of insufficient size, or
  - (b) by hitting, pounding, ramming, or applying undue pressure.

**Cartridge Wrapper**

- 8.5.2** Cartridge explosives shall not be removed from their wrappers except for water-gel or emulsion explosives that are to be used for blasting oversize rock or bringing down hung-up material.

**Priming Nitroglycerine Explosives**

- 8.5.3** Primers shall be made up only as required and, when priming with nitroglycerine type explosives, only a non-sparking implement shall be used to punch a hole in the explosive.

**Priming Detonating Devices**

- 8.5.4** Every primed charge shall
- (1) contain a properly prepared detonating device sufficient to initiate the explosion reliably,
  - (2) have the detonator inserted into the cartridge in such a manner that it cannot be separated or pulled out of the cartridge during the loading operation, and
  - (3) be fired electrically or by approved non-electric means acceptable to the inspector.

**Carrying Capped Fuses**

- 8.5.5** A person may carry capped fuses with explosives from the nearest storage place to a point of use, without placing them in a container, provided that they are kept separate from each other. In no case, however, shall primed cartridges be transported.

**Pneumatic Loading**

- 8.5.6** Pneumatic loading of explosives into blastholes shall only be carried out
- (1) with explosives licensed for that purpose, as per the *Explosives Act* (Canada), and
  - (2) where the procedures and equipment used will prevent any dangerous build-up of static electricity or hazards from stray electric currents.
- 8.5.7** The written approval of an inspector shall be obtained before any pneumatic loading of explosives is carried out over the leg wires of detonators.

**Extraction of Explosives**

- 8.5.8** No person shall extract, or attempt to extract, any primer or explosives of the nitroglycerine type from a loaded blasthole.
- (1) Explosives of the ammonium nitrate type may only be removed from a blasthole by washing.
  - (2) Insensitive water-gel or emulsion type explosives may be blown out of a blasthole by an authorized person using moderate air pressure and a blowpipe made of non-sparking material.

**Vehicles Prohibited**

- 8.5.9** A blast area shall be clearly identified by posted signs to prevent the inadvertent access of vehicles.
- 8.5.10** No equipment shall be allowed within 8 m of any charged blasthole except
- (1) authorized explosives vehicles,
  - (2) explosive vehicles which have the exhaust directed above the cab of the vehicle, and
  - (3) other equipment authorized in writing by the chief inspector.

**Firing Explosives****Time for Blasting**

- 8.6.1** The time for blasting shall be set so as to protect persons from exposure to dust, fumes, and smoke.

**Guarding**

- 8.6.2** Before blasting, the blaster, or person designated responsible for blasting, shall

- (1) clear the blast danger zone of all persons,
- (2) ensure that all entrances to the blast danger zone are guarded to prevent access, and not rely only on signs for the purpose, and
- (3) when blasting on the surface of a mine, ensure that an effective audible warning is given.

### Firing Procedure

- 8.6.3**
- (1) Every charged hole shall be fired in its proper sequence, and where any blast could affect other charged blastholes, all of the holes shall be fired in one operation.
  - (2) When required, a waterspray shall be used during blasting of development headings.

### Waiting Time

- 8.6.4**
- (1) A blaster shall allow sufficient time between blasts in an underground mine for
    - (a) the heading, or other workplace, to be cleared of fumes, and
    - (b) the broken rock to cool sufficiently so that there is no danger when it is being loaded.
  - (2) A worker shall not return, or be permitted to return, to a workplace after a blasting operation until the worker is sure that the gases produced by the explosives have been removed or diluted to a “safe degree” by the ventilation system. If the worker has reasonable grounds to believe that this has not been achieved, the worker shall request the shiftboss to test the air with a suitable instrument and explain the results to the worker.

### Reporting Misfires

- 8.6.5**
- A blaster shall
- (1) when possible, count the number of shots exploding,
  - (2) report to the shiftboss if the blaster believes that any shot did not fire, and
  - (3) identify any misfired hole by inserting a conspicuous, non-metal marker at its outer end, or by roping the area off or by any other manner approved by the shiftboss.

### Misfires

- 8.6.6**
- In the event of a misfired shot, the shiftboss shall
- (1) determine the location, direction and depth of any hole necessary for blasting the misfired shot, supervise its drilling, and
  - (2) record in the daily examination and report book, the location of any misfired shot remaining at the end of the shift.

**Raising and Sinking**

- 8.6.7 Blasts shall be fired from a remote location during sinking operations, and when raising has exceeded 10 m or when required by the inspector.

**Procedures for Explosives and Accessories**

- 8.6.8 Written procedures shall be established for the use of all explosives accessories and blasting machines following the manufacturer's recommended specifications.

**Blasting Machines**

- 8.6.9
- (1) All blasting machines shall be suitable for their applications, kept in a cool, dry, storage place and maintained in serviceable condition, in accordance with the manufacturers recommendations.
  - (2) The power output of every electric blasting machine shall be tested by an authorized person, in the manner prescribed by the manufacturer, at least once each month, and immediately before being returned to use after having been taken out of service.
  - (3) The results of the tests carried out in compliance with subsection (2), shall be entered in a logbook, dated, and signed by the authorized person who made the tests.

**Condenser Discharge Machines**

- 8.6.10 Condenser discharge machines shall be examined to ensure that any residual charge remaining on the capacitors after use is discharged in accordance with the manufacturer's instructions.

**Connection to the Blast Circuit**

- 8.6.11
- (1) A blasting machine shall not be connected to the blasting cables until immediately before firing the charges.
  - (2) A blasting machine shall be immediately disconnected from the blasting cables after firing or attempting to fire the charges.

**Blasting From Power Lines**

- 8.6.12
- (1) Electric power from lighting or power circuits shall not be used for firing charges unless
    - (a) the blasting circuit has an isolating transformer, and
    - (b) a special firing device that opens the blasting circuit by gravity is used.
  - (2) The blasting circuit conductors between the firing device and the blast site shall be No. 12 AWG, or better, and readily identifiable as blasting cable.
  - (3) Where expendable connecting wire is used, it shall not be less than No. 20 AWG.

**Blasting Switches**

- 8.6.13** Every electric power line blasting switch shall
- (1) have the live side of the device installed in a box which is fixed, locked, and accessible only to the blaster, and
  - (2) incorporate a lightning gap of at least 1.5 m between the blasting switch and the service switch. This gap shall only be closed by a twist-type plug and cord assembly immediately before firing.

**Branch Circuits**

- 8.6.14** Where a blasting circuit is used for more than one working place, each branch circuit shall be isolated by means of a locked isolating switch that automatically short circuits the branch circuit.

**Circuit Testing**

- 8.6.15** Where more than one shot is fired electrically, the blaster shall test the electrical circuit with an approved circuit testing device immediately before blasting.

**Electric Storms**

- 8.6.16** The manager shall ensure that persons engaged in blasting operations underground are warned of an electric storm.
- 8.6.17** A blaster shall not connect an electric blasting circuit during an electrical storm. Once an electric blasting circuit is connected, and should an electric storm occur, all persons shall be withdrawn to a safe distance from the blast site. Access to the blast site shall be guarded until the storm has passed.

**Radio Transmitters**

- 8.6.18** The blaster shall ensure that signs are posted to ensure mobile radio transmitters shall be turned off when within 20 m of a site where an electric blasting system has been connected.

**Blasting Cables Near Electrical Conductors**

- 8.6.19** Blasting circuit conductors shall be kept at least 150 mm away from power and lighting cables and from any other electrical conductors.

**Blasting Lead Wires**

- 8.6.20** All blasting circuit conductors leading to a blasting site shall be insulated and, except when firing the blast, shall be short circuited.

**Return to the Work Area**

- 8.6.21** When blasting by electricity, the blaster shall not enter, or allow any other person to enter the area until

- (1) the firing cables have been disconnected from the firing device and short circuited, or
- (2) in the case of a blasting operation using a power or lighting circuit, the switches of the blasting circuit have been locked in the open position.

### **Firing in Multiple Work Places**

- 8.6.22** Blasting cables or wires that have been used for blasting in one workplace, shall not be used for blasting in another workplace until all proper precautions have been taken to ensure that the blasting cables or wires have no electrical connection with the leads from the first workplace.

### **Central Blasting**

- 8.6.23** A written summary of the procedure to be followed and a layout of the system shall be submitted to an inspector for approval before a central blasting system is used or modified. The procedure shall include a provision for post blast inspection.

## **Drilling Near Explosives**

### **Misfired Holes and Bootlegs – Drilling Precautions**

- 8.7.1** Drilling shall not be carried out
- (1) within 300 mm of a bootleg on the surface or within 150 mm underground, or
  - (2) where any part of the hole to be drilled could come within 5 m of a hole containing explosives unless it is drilled under the direct supervision of a shiftboss to clear a blocked hole, or to place an additional hole for blasting a misfired charge in accordance with section 8.6.6 (1).
- 8.7.2**
- (1) Notwithstanding section 8.7.1 the manager may develop procedures for drilling within 300 mm of a bootleg or a hole containing explosives on the surface or within 150 mm underground.
  - (2) The manager shall submit these procedures to the inspector and to the OHSC at least 15 days in advance of implementing these methods and procedures.

### **Drilling in Loose Rock**

- 8.7.3** No person shall drill in a loose rock produced by blasting unless
- (1) the rock has been thoroughly examined to ensure that it does not have any holes containing explosives, or
  - (2) an engineered offset pattern is utilized to prevent overlaying of holes, and



- (3) if a hole containing explosives is discovered, the drilling shall be carried out in accordance with section 8.6.6 (1).
- 8.7.4** Where it is impracticable to make the examination required by section 8.7.3 (1), or use an offset pattern as per 8.7.3 (2), a remotely controlled drilling procedure shall be employed.

### Misfires

#### Surface Misfires

- 8.8.1** (1) A misfired hole on the surface shall be clearly marked off for a distance of 8 m around the collar of the hole.
- (2) The use of equipment shall be restricted within this 8 m distance except as provided in section 8.7.1, or under a procedure approved by the inspector.

#### Time to Return

- 8.8.2** No person shall return or be allowed to return to the scene of a blast until the following times have elapsed
- (1) when a blast is initiated with safety fuse assemblies, after a number of minutes equal to 7 times the number of metres in the longest fuse used,
- (2) when safety fuse is involved and a misfire occurs, or is suspected, and after a reblast, a minimum of 30 minutes, and
- (3) when no safety fuse is involved and a misfire is suspected, or when two or more detonators are used and the blaster cannot visually establish that all shots have fired, a minimum of 10 minutes from the time the blasting cable was disconnected and short circuited.

#### Inspection Before Abandoning

- 8.8.3** The shiftboss shall ensure that an underground development heading is not abandoned, or work discontinued, until material broken in the last round has been cleared from the face of the heading and the face has been examined for holes or sockets containing explosives.

### Removal and Disposal

#### Removal of Explosives

- 8.9.1** No person shall take away or attempt to take away explosives, detonators, or fuse from a mine except as provided for in sections 8.9.2 and 8.9.3.
- 8.9.2** Explosives shall be removed or destroyed prior to the closure of a mine.
- 8.9.3** Section 8.9.1 does not apply
- (1) to an explosive plant at a mine, operated under a licence issued by the Explosives Branch, E.M.R. (Canada), or

- (2) if explosives are being returned to a registered explosives vendor, or
- (3) if explosives are taken from the mine for a purpose authorized by the inspector.

### **Adjacent Workings**

#### **Blasting at Adjacent Mines**

- 8.10.1** Where parties are working on adjacent surface mines or underground mines having connected workings, they shall agree to a mutually acceptable blasting time and procedure.

#### **Connection to Existing Workings**

- 8.10.2** When an active heading is within 8 m of another mine opening or drill hole, the shiftboss shall before any round is fired
- (1) make a thorough examination of the other mine opening, drill hole collar or the nearest point of intersection,
  - (2) satisfy the shiftboss that the heading can be advanced in a safe manner, and
  - (3) ensure that any access to the nearest point of intersection with the other opening or drill hole is guarded.

### **Underground Coal Mines**

#### **Permitted Explosives**

- 8.11.1** Only explosives authorized by the chief inspector, shall be taken or used, underground in a coal mine.

#### **Mines Subject to Outbursts**

- 8.11.2** Explosives shall not be used in any part of an underground coal mine liable to outbursts of flammable gas without the written permission of the inspector.

#### **Non-combustible Stemming**

- 8.11.3** In an underground coal mine, all charged shot holes shall be stemmed with a suitable non-combustible material before they are fired.

#### **Taking Explosives Underground**

- 8.11.4** In an underground coal mine, explosives shall not be
- (1) stored or kept in the mine, except when required for rockwork, or when millisecond delay detonators are used and then only with the written permission of the inspector, and
  - (2) taken into the mine, except in an explosive container approved by the inspector, holding not more than 2 kg of explosives.

**Procedures for Shot Firing**

- 8.11.5** When explosives are used in an underground coal mine, the blaster shall
- (1) check that each hole is properly drilled and thoroughly cleaned,
  - (2) examine the area within 25 m of the hole to verify that it has been adequately treated with an approved incombustible dust, that the ventilation is normal, and that the level of flammable gas is less than 1%, and
  - (3) after firing the shots, inspect the area, including any electric cables, to satisfy the blaster that conditions are safe before allowing any other persons to enter the area. The blaster may be accompanied by one other person while carrying out the inspection.

**Drilling for Reblasting**

- 8.11.6** When a charge has misfired in a coal mine and another hole is required for reblasting, the shotfirer shall be responsible for directing the angle of the new drill hole, which shall be not less than 650 mm from the original hole.

**Lighting and Power Circuits Not to Be Used**

- 8.11.7** When shotfiring in an underground coal mine
- (1) current from lighting or power circuits shall not be used for firing shots, and
  - (2) electric power shall be cut off to the workplace when shots are being fired and not switched on again until the inspection required by section 8.11.5 (3) has been completed.



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### Application

- 9.1.1 This part applies to persons engaged in mineral and coal exploration activities under the authority of the *Mines Act*.

### Notice Requirements

- 9.2.1 (1) Prior to undertaking proposed exploration activities and pursuant to section 10 of the *Mines Act*, a Notice of Work as prescribed by the **chief permitting officer** shall be submitted to an inspector and shall include
- (a) information required pursuant to the *Mines Act* and Code and any additional information as may be prescribed by an inspector,
  - (b) maps and schedules of the proposed exploration activity, applicable land use designation, up-to-date resource inventory and tenure information which is available from Provincial agencies 30 days prior to the time of application, and
  - (c) details of actions designed to minimize any adverse impacts of the proposed activity.
- (2) A copy of all permits and authorizations issued with respect to the exploration activities shall be maintained at the exploration site while exploration activities are taking place.
- (3) An annual summary of exploration activities, as prescribed by the **chief permitting officer**, shall be submitted by March 31.

### Health & Safety

#### First Aid

- 9.3.1 In addition to complying with the emergency preparedness provisions of Part 3 of the Code
- (1) active exploration sites of mechanical disturbance shall be equipped with a minimum Level-2 first aid kit, a stretcher and an epinephrine auto injector, and have provision made for continuous and consistent emergency communication, and
  - (2) at exploration drill sites, at least 2 members of the drill crew shall have a valid St. John standard first aid certificate and transportation endorsement or an equivalent standard acceptable to the chief inspector.

#### Training

- 9.3.2 All persons employed at an exploration site shall be trained in accordance with Section 1.11, including where applicable
- (a) safety with respect to wildlife,
  - (b) wearing of appropriate clothing,
  - (c) use of personal protective equipment,
  - (d) need for and use of suitable equipment to avoid becoming lost,

- (e) safety procedures to be adopted for boat handling operations, and
- (f) safe practices when working in or around aircraft, including effective communication.

### Pits, Trenches & Excavations

- 9.3.3**
- (1) No person shall be permitted to enter any excavation over 1.2 metres in depth unless
    - (a) the sides of the excavation are sloped to a safe angle down to 1.2 metres from the bottom of the trench, or
    - (b) the sides have been supported according to the requirements of Part 4 of this Code.
  - (2) When it is required for persons to enter an excavation the minimum width of an excavation shall be such that a person is able to turn around without coming into contact with the sides.
  - (3) Excavated material shall be kept back a minimum distance of 1 metre from the edge of any trench, excavation, and 1.5 metres from any other excavation.
  - (4) A qualified person shall inspect an excavation immediately before any person is allowed to enter, and any hazard shall be made safe before persons are allowed to conduct other work in the excavation.
  - (5) Sloping of the sides of excavations may be undertaken instead of shoring only where the protection afforded to personnel is equivalent to that provided by shoring.
  - (6) Where excavation walls are sloped as a substitute for shoring, the walls shall be sloped at angles, dependent upon soil or rock conditions, which will provide stable faces. In no case shall such a slope be steeper than a ratio of three horizontal to four vertical.

When shoring is installed or removed, the work procedure shall ensure that persons are not exposed to undue risk.

### Uranium & Thorium

- 9.3.4** Unless the chief inspector permits otherwise, where standard assay results are expected to show, or are expected to show uranium mineralization in a grade of 0.05% by weight or greater or thorium mineralization in a grade of 0.05% by weight or greater, the owner, agent or manager shall ensure that
- (a) all drill holes must be completely sealed with concrete on completion of exploration,
  - (b) all practicable precautions are taken to ensure no drilling fluid, water or drill cuttings contaminate any drinking water supply, irrigation water supply, or surface water,
  - (c) all persons working at the exploration site are provided with a gamma radiation dosimeter of an approved type, and



- (d) no person is exposed to a whole body dose of more than 5 millisieverts in a 12 month period.

### Induced Polarization Geophysical Survey Systems

- 9.3.5 (1) Where an induced polarization geophysical system is being operated
- (a) energized wires shall be sufficiently insulated to prevent electric shock,
  - (b) induced polarization electrodes shall have visible warning stickers stating “Danger – High Voltage,”
  - (c) signs shall be posted to warn other persons who may enter the area,
  - (d) electronic communication shall be provided to every member of the crew whose movements are out of sight and sound of the other crew members, and
  - (e) all signs shall be removed on completion of the survey and no wires used during the survey shall be left on the site after the survey is completed.
- (2) Electric blasting activities shall be coordinated with active induced polarization and active electromagnetic survey work.

### Use & Storage of Explosives

- 9.3.6 (1) The use and storage of explosives shall be pursuant to the provisions of Part 8 of this Code.
- (2) Blasters shall have a valid blasting certificate granted pursuant to Part 8 of this Code.

### Community Watersheds

- 9.4.1 (1) Exploration activities shall
- (a) maintain surface and subsurface drainage patterns within the range of natural variability,
  - (b) protect stream channel stability, and
  - (c) not degrade water quality at a potable water supply intake so that it fails to meet the potable water requirements of the *Drinking Water Protection Act* and regulations as amended from time to time.

### Notification Requirements

- 9.4.2 An owner, agent or manager responsible for exploration activities in a community watershed shall
- (a) notify, at least 48 hours prior to the start date of the activities, the water license holder of record or the representative of record,
  - (b) prior to commencing work ensure a contingency plan is in place to restore potable water in the event that exploration activities adversely impact potable water quality and quantity, and

- (c) immediately cease exploration activities and take remedial action if those activities adversely impact potable water quality and quantity.

### Riparian Management

Table 9.1

#### RIPARIAN SETBACK DISTANCES

(Measured horizontally from the top of bank)

| Riparian Type |                                       | Drilling (m) | Exploration Access (m) |
|---------------|---------------------------------------|--------------|------------------------|
| Stream        | Stream widths (m)                     |              |                        |
|               | >20                                   | 50           | 70                     |
|               | >5≤20                                 | 30           | 50                     |
|               | 1.5≤5                                 | 20           | 40                     |
|               | <1.5                                  | 5            | 30                     |
|               | <0.5 in alpine areas above timberline | 5            | 15                     |
| Wetland       | Wetland Size (HA)                     |              |                        |
|               | >5                                    | 10           | 30                     |
|               | >1.0 - <5.0                           | 10           | 20                     |
|               | >0.25 - <1.0                          | 10           | 10                     |
| Lake          |                                       | 10           | 30                     |

- 9.5.1** (1) The following activities may be carried out within the setback distances noted in Table 9.1
- construction, maintenance, deactivation and reclamation of stream crossings;
  - access from water landings for the purpose of servicing exploration camps and equipment;
  - access to set up and service water supply pumps and lines; and
  - access to service drill sites.
- (2) Exploration activities in addition to those in (1) may occur within the riparian setback distances noted in Table 9.1 when one or more of the following conditions apply
- no other practicable option exists;
  - risk to health and safety can be reduced; or
  - risk of adverse impact to the environment can be reduced.
- (3) When there is an intent to operate within the riparian setback distances noted in Table 9.1 pursuant to (2) the owner, agent or manager shall prepare a management plan, acceptable to an inspector, shall be approved and the plan must show how the proposed activities will to the extent practicable

- (a) maintain the integrity of the stream, lake or wetland;
- (b) prevent the introduction of deleterious substances into a stream, lake or wetland; and
- (c) minimize the disturbance caused by the activity.

### Soil Conservation

- 9.6.1** Exploration activities shall be carried out in a manner that minimizes soil loss so that the site can be reasonably reclaimed to support appropriate self-sustaining vegetation.

### Terrain

- 9.7.1**
- (1) Exploration activities shall be designed and implemented by a qualified person to minimize the risk of those activities causing any of the following events
    - (a) landslide,
    - (b) channelized debris or mud flow,
    - (c) gully bank destabilization
    - (d) debris fan,
    - (e) snow avalanche, or
    - (f) destabilization of an alluvial fan.
  - (2) If an exploration activity causes an event as noted in section 9.7.1 the owner agent or manager shall as soon as practicable
    - (a) take necessary steps to protect human life and safety,
    - (b) stabilize any disturbed areas,
    - (c) promptly report the event to an inspector, and
    - (d) where the event as noted in section 9.7.1
      - (i) places human life or safety at risk,
      - (ii) damages property or infrastructure,
      - (iii) adversely affects water quality, or damage water supply infrastructure,
      - (iv) results in harmful alteration to fish habitat, or
      - (v) results in harmful alteration of regionally significant wildlife habitat.

Ensure the preparation, within 30 days, by a qualified person of a remediation plan acceptable to an inspector and implement the plan within a time frame specified by the inspector.

### Water Management

- 9.8.1** (1) Where exploration activities or exploration access may impact the natural surface and subsurface drainage of an area, structurally sound, functional and stable drainage systems shall be constructed that minimize
- (a) water flowing uncontrolled onto the exploration site,
  - (b) erosion or destabilization of the exploration site,
  - (c) water being directed onto, or creating, potentially unstable slopes or soil materials, and
  - (d) water flowing onto reclaimed areas unless the reclaimed areas are protected with the use of riprap or other effective means or the water flow is an integral part of the reclamation scheme.

### Fuel & Lubricants

- 9.9.1** (1) Liquid hydrocarbon products shall be stored within a containment that minimizes the possibility of accidental discharge to the environment.
- (2) Unless authorized by an inspector, bulk liquid hydrocarbon products shall not be stored within 30 meters of a stream, lake or wetland.
- (3) Ground-based machinery shall not be fueled or serviced within the riparian setback distances for drilling specified in Table 9.1, other than pumps and machinery that are
- (a) hand held,
  - (b) required for fire fighting,
  - (c) broken down and requiring fueling or servicing to be moved, or
  - (d) authorized by an inspector to be fueled or serviced in the area.
- (4) The owner, agent or manager shall remove all hydrocarbon containers, whether empty or full, from every exploration site by the end of each field season, unless otherwise authorized by an inspector.

### Exploration Access

- 9.10.1** (1) The construction, maintenance, deactivation and reclamation of exploration access and bridges or any other form of a stream, lake or wetland crossing shall result in exploration access and crossings that are stable, safe for the intended use, and which
- (a) minimize erosion, mass wasting or the degradation of a stream, lake or wetland by the introduction of sediment, debris or deleterious matter,
  - (b) minimize adverse impacts on stream channels,
  - (c) make provision for drainage systems that maintain stability of the road prism,
  - (d) do not cause harmful alteration, damage or destruction of fish habitat, and

- (e) has the minimum surface disturbance necessary to complete the proposed work.
- (2) Clearing of standing timber shall not exceed the minimum required to accommodate the road prism, user safety and other operational requirements.
- (3) Material known to be capable of generating acid rock drainage shall not be used for exploration access surfacing or ballasting unless approved by an inspector.
- (4) Exploration access shall not interfere with the subsurface flow of a drainage area that contributes to a water supply used for licensed domestic consumption unless
  - (a) there is no other practicable option, and
  - (b) the impacts of the access construction can be mitigated.
- (5) There shall be a program to routinely monitor and maintain exploration access as necessary and prudent so that it is stable and safe for the intended use until it is reclaimed to the satisfaction of an inspector.
- (6) Deactivation of exploration sites and access shall result in
  - (a) stabilization of the exploration site, access road prism and clearing widths,
  - (b) restoration or maintenance of drainage patterns, and
  - (c) minimization of soil erosion to the extent practicable.
- (7) Reclamation of exploration access shall result in
  - (a) restoration of drainage patterns,
  - (b) removal of bridge superstructures,
  - (c) removal of bridge substructures if failure would affect downstream values,
  - (d) removal of all stream culverts,
  - (e) a stable surface that minimizes future erosion, and
  - (f) the establishment of self sustaining vegetation appropriate for the site which may include reforestation if so directed by an inspector.
- (8) Stream crossings shall be constructed, maintained, deactivated and reclaimed in a manner that allows safe fish passage and protects fish habitat at, above and below the stream crossing.
- (9) Stream crossings on streams that do not contain fish shall be constructed, maintained, deactivated and reclaimed in a manner that does not adversely affect downstream fish values.
- (10) An owner, agent or manager shall ensure that bridge design and fabrication is certified or approved by a qualified person.

- (11) An owner, agent, or manager shall ensure that
- (a) metal and concrete bridges are inspected by a qualified person at least once every three years, and other bridges at least once every two years, or as prescribed by the designer,
  - (b) inspection records are maintained for the life of any bridge structure, and
  - (c) any deficiencies identified as a result of an inspection are corrected as soon as practicable.
- (12) Bridges, stream culverts and their approaches shall be designed, constructed and maintained to pass the peak flows set out in Table 9.2.
- (13) Despite 9.10.1 (12) a temporary bridge or stream culvert may be constructed at a crossing to meet the expected flow during the period of use if
- (a) the stream is not a fish stream,
  - (b) the installation and use will be in a period of low annual stream flows, and
  - (c) the culvert or temporary bridge is removed before the period of high annual stream flows.

**TABLE 9.2**  
**MINIMUM DESIGN PEAK FLOW**

| CROSSING TYPE       | RETURN PERIOD<br>(years) |
|---------------------|--------------------------|
| Permanent bridges   | 100                      |
| Temporary bridges   | 50                       |
| All stream culverts | 100                      |

### Drilling

- 9.11.1** (1) Drill sites shall not be located
- (a) within a stream,
  - (b) within a lake unless a management plan has been approved by an inspector, or
  - (c) within a known wetland unless
    - (i) the exploration activity is conducted when the ground is frozen,
    - (ii) at the time that work is conducted there is no standing water at the drill site, or
    - (iii) a management plan has been approved by an inspector,

- (d) within a riparian setback area as defined in Table 9.1,
  - (i) unless authorization has been obtained pursuant to the provisions of sections 9.5.1(2) and 9.5.1(3), and
  - (ii) management plans shall include provision for management of drilling discharge.
- (2) An owner, agent or manager shall ensure that pumps and pump fuel supplies use absorbent mats and containment devices to prevent spilled liquid hydrocarbons from escaping.
- (3) During exploration drilling operations, practicable measures shall be taken to manage the flow of drilling discharge, and minimize the impact on streams, wetlands or lakes.
- (4) Appropriate emergency spill kits shall be readily available at all active drill and water supply pump sites.
- (5) Groundwater shall not be permitted to flow from completed drill holes without the written authorization of an inspector.
- (6) Upon abandonment of an exploration drill site, all equipment, waste and other refuse shall be disposed of properly.
- (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;
      - (A) 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.

### Camps

- 9.12.1** (1) An exploration camp required to support future exploration activities shall be left in a clean and safe condition and where practicable secured from wildlife access at the end of each field season.

- (2) An exploration camp not required to support future exploration activities shall be dismantled, removed and the site reclaimed, unless otherwise exempted in writing by an inspector.
- (3) Before leaving a camp for the season or reclaiming a camp site, all refuse shall be removed or burned and buried so that it will not attract wildlife, refuse pits shall be backfilled, and food and explosives removed from the site.

### Reclamation

- 9.13.1**
- (1) Reclamation of mechanically disturbed sites, campsites and exploration access shall occur within one year of cessation of exploration unless authorized in writing by an inspector.
  - (2) Pits and trenches shall be backfilled and reclaimed prior to abandonment, unless
    - (a) the sides of the pit or trench are sloped to a stable and safe angle as determined by a qualified person, or the pit or trench is fenced to prevent inadvertent access, and
    - (b) there is a means of egress.
  - (3) Appropriate measures shall be taken to minimize the establishment of noxious weeds and the erosion of exposed or disturbed soil.
  - (4) Exploration sites shall be revegetated to a self-sustaining state with species appropriate for the site.
  - (5) The results of reclamation measures shall be reported to an inspector upon completion of the reclamation work.
  - (6) Where a security deposit has been posted for reclamation, the owner, agent or manager may apply to an inspector in writing for a refund of the security deposit when the reclamation program has met the requirements of this code.



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## Mine Plan and other Plans

### Preparation of Plans

- 10.1.1** The owner, agent or manager must ensure that the mine plan, reclamation plan, closure plan and any plans related to the protection of the environment, which are required to be developed, made or updated under this Part, are
- (a) prepared taking into consideration the health and safety of the public and persons involved in the work,
  - (b) designed to make it as practicable as possible in the future to mine zones affected by the plan,
  - (c) designed to protect the land and watercourses, and
  - (d) prepared by qualified professionals or qualified persons, except as otherwise set out in Part 10.

### Proposed Placer Mines, Gravel Pits and Quarries

- 10.1.2** (1) The proposed mine plan and reclamation program filed with the inspector in compliance with section 10 (1) of the *Mines Act* must consist of the appropriate Notice of Work forms, together with such other information as the inspector may require, for approval of placer mining, sand and gravel pits, rock quarries and industrial mineral quarries.
- (2) No work may proceed without the inspector granting a permit or authorization or the chief permitting officer granting an exemption under section 10 (2) of the *Mines Act*.

## Permit Application

### Permit Application

- 10.2.1** (1) The owner, agent or manager must submit in writing an application to the chief permitting officer for a permit under section 10 (1) of the *Mines Act* for
- (a) surface or underground development or production for coal and mineral mines, or major expansions or major modifications of existing producing coal and mineral mines, or
  - (b) underground exploration requiring excavation, large pilot projects, bulk samples, trial cargos or test shipments.
- (2) No work may proceed without the chief permitting officer granting a permit or authorization.
- (3) The chief permitting officer must determine the number of copies of the application required.

**Application Requirements**

- 10.2.2** The application referred to in section 10.2.1 (1) of this code must include the following unless otherwise authorized by the chief permitting officer:
- (a) a regional map showing the location of the mine property, along with a map or air photo showing the location and extent of the mine;
  - (b) the present use and condition of the land and watercourses including
    - (i) land ownership, including surface and mineral rights, licensed or permitted users such as water users, guides, outfitters and trappers and grazing licenses,
    - (ii) climate,
    - (iii) general geology and detailed geological descriptions of the deposit,
    - (iv) surface water and groundwater quality and flow,
    - (v) fisheries and aquatic resources,
    - (vi) air quality,
    - (vii) surficial geology and terrain mapping,
    - (viii) soil survey and soil characterization,
    - (ix) vegetation,
    - (x) wildlife,
    - (xi) land capability and present land uses such as agriculture, forestry, fisheries, wildlife, recreation, industrial, commercial and residential, and
    - (xii) inhabited places in the vicinity of the mine;
  - (c) established and asserted aboriginal and treaty rights;
  - (d) a mine plan including
    - (i) a map at a scale of 1:10,000 or less showing topographic contours, surface drainage features, claims, leases or licenses, buildings, roads, railways, power transmission lines, pipelines and other relevant features and the locations of all proposed or existing surface and underground mining developments, waste disposal areas, stockpiles, processing facilities, mine buildings and other mining related disturbances or infrastructure,
    - (ii) an inventory of areas disturbed to date and projected over the next 5 years and over the projected life of the mine,
    - (iii) descriptions of mining methods, mining rates, projected mine life, processing methods and infrastructure requirements,
    - (iv) development schedule for construction and mine sequencing,
    - (v) detailed geology and ore reserves, projected volumes of ore and waste to be produced and relative time of production,

- (vi) designs and details for dumps, open pits, impoundments, underground workings including areas that may be affected by subsidence, stockpiles, processing facilities, water management structures, water storage and water treatment facilities, haulage roads, road construction and significant transportation or utilities infrastructure that are compatible with environmental protection, reclamation and mine closure,
- (vii) designs and details for tailings storage, including a design report for each TSF and dam as set out in section 10.5.3,
- (viii) designs for material handling and waste disposal procedures,
- (ix) salvaging and stockpiling of surface soils and overburden materials,
- (x) source, use and water balance for any water required in the operation,
- (xi) overall site water balance as set out in section 10.6.7 (1), and
- (xii) a traffic control procedure as required under section 6.8.3;
- (e) a program for the environmental protection of land and water courses during the construction and operational phases of the mining operation, including plans for
  - (i) prediction, identification and management of physical, chemical and other risks associated with tailings storage facilities and dams,
  - (ii) prediction, and if necessary, prevention, mitigation and management of metal leaching and acid rock drainage,
  - (iii) erosion control and sediment retention, and
  - (iv) environmental monitoring and surveillance designed to demonstrate that
    - (A) the objectives of section 10.1.1 (a) to (c) are being met,
    - (B) the reclamation standards as outlined in sections 10.9.4 to 10.9.21 are being met, and
    - (C) environmental protection of land and watercourses required under paragraph (h) (i) and (ii) of this section are being achieved and maintained;
- (f) an alternatives assessment for the proposed tailings storage facilities that assesses best available technology;
- (g) a failure and breach or runout assessment as set out in section 10.5.5;
- (h) a conceptual reclamation plan for the closure or abandonment of all aspects of the mining operation, including,
  - (i) plans for long term post-closure maintenance of facilities, and
  - (ii) proposed use and capability objectives for the land and watercourses;

- (i) the closure design report for each TSF or dam developed under section 10.6.12 (1);
- (j) an estimate of the total expected costs of outstanding reclamation obligations over the planned life of the mine, including the costs of long-term monitoring and maintenance which, with the approval of the chief permitting officer, may be filed in a separate confidential report;
- (k) any other relevant information required by the chief permitting officer.

### Underground Openings and Workings

- 10.2.3** (1) The manager must ensure that tailings storage facility designs that use underground openings meet the requirements of section 10.5.10 (1).
- (2) The manager must ensure that tailings storage facility designs take into account the potential effects on, and interactions with, underground workings.

### Major Dumps

- 10.2.4** The manager must ensure that a major dump is designed
- (a) in consideration of the Interim Guidelines of the British Columbia Mine Waste Rock Pile Research Committee, and
  - (b) to allow for re-contouring such that final reclamation is consistent with the approved end land use.

### Metal Leaching and Acid Rock Drainage

- 10.2.5** The manager must ensure that plans for the prediction, and if necessary, the prevention, mitigation and management of metal leaching and acid rock drainage is prepared in consideration of the Guidelines for Metal Leaching and Acid Rock Drainage at Minesites in British Columbia.

### Mine Development Review Committee

- 10.2.6** (1) The chief permitting office may refer to the advisory committee or the regional advisory committee established pursuant to section 9 of the *Mines Act*,
- (a) applications submitted under section 10.2.1 of this code, and
  - (b) any Notice of Work submitted under section 10.1.2 of this code.
- (2) The advisory committee or regional advisory committee must review every application referred to them under subsection (1) and make recommendations to the chief permitting officer within 60 days following application.
- (3) If no recommendations under subsection (2) have been received within 60 days, the chief permitting officer will deem that there are no concerns.

### Circulation of Application

- 10.2.7** (1) If a permit application under section 10.2.1 is not referred to a committee for review under section 10.2.6, an inspector may circulate it to other ministries and agencies and they have 30 days following referral to make written representations to the inspector.
- (2) If no written representations under subsection (1) have been received within 30 days, the inspector will deem that there are no concerns.

### Permit

- 10.2.8** Before issuing a permit under section 10 (1) of the *Mines Act*, the chief permitting officer must consider the following:
- (a) any recommendations made by a committee under section 10.2.6 of this code;
  - (b) any written representations received under section 10.2.7 of this code;
  - (c) any written representations received under section 10.3.2 of this code.

### Departure from Approval

- 10.2.9** The owner, agent or manager must notify the chief permitting officer in writing of any intention to depart, to any substantial degree, from the mine plan and reclamation program authorized under section 10.1.2 or section 10.2.1 and must not proceed to implement the proposed changes without the written authorization of the chief permitting officer.

### Exemptions

- 10.2.10** (1) Sections 10.2.1 to 10.2.5 do not apply to placer mines, sand and gravel pits and quarries unless required by the chief permitting officer.
- (2) Sections 10.5.7, 10.5.8 and 10.5.9 do not apply to a TSF that
- (a) was granted the initial permit before July 20, 2016,
  - (b) is not active, and
  - (c) has no adverse material change after the date this subsection comes into force.
- (3) Sections 10.5.2, 10.5.4, 10.5.5, 10.5.7, 10.5.8 and 10.5.9 do not apply to a category 3 dam that
- (a) was granted the initial permit before the date this subsection comes into force,
  - (b) is low consequence as determined in accordance with section 10.5.6, and
  - (c) does not contain tailings.

**Exemptions and Obligations for Category 1A, Category 1B and Category 2 Dams**

- 10.2.11** (1) Sections 10.4.1 to 10.6.13 do not apply to category 1A dams, category 1B dams and category 2 dams.
- (2) A dam is a category 1A dam if
- (a) the dam is at a placer mining site, a sand and gravel pit, a rock quarry or an industrial mineral mine, and
  - (b) the manager assesses that the following apply:
    - (i) the dam meets all the requirements in Table 10-1;
    - (ii) the dam contains no tailings;
    - (iii) there is no identifiable human population at risk of injury in the event of a breach of the dam other than through unforeseen misadventure;
    - (iv) there is no potential for human loss of life in the event of a breach of the dam;
    - (v) there are no seasonally or permanently occupied buildings or infrastructure within 500 m downstream of the dam;
    - (vi) the dam does not contain toxic or deleterious substances, excluding suspended sediment.
- (3) A dam is a category 1B dam if
- (a) the dam is at a metal or coal mine, and
  - (b) a qualified professional assesses that the following apply:
    - (i) the dam meets all the requirements in Table 10-1;
    - (ii) the dam contains no tailings;
    - (iii) in the event of a breach of the dam, other than through unforeseen misadventure,
      - (A) the effect of water released to receiving streams on aquatic or terrestrial habitat is short-term and reversible,
      - (B) there is no identifiable human population at risk of injury, and
      - (C) there is no potential for human loss of life;
    - (iv) there are no seasonally or permanently occupied buildings or infrastructure within 500 m downstream of the dam.
- (4) A dam is a category 2 dam if a professional engineer
- (a) assesses that the dam meets all the requirements in Table 10-2, and
  - (b) submits the assessment to the chief inspector.
- (5) The assessments referred to in subsections (2) (b), (3) (b) and (4) (a) must be made available to an inspector on request.
- (6) The manager must ensure that all category 1A dams, category 1B dams and category 2 dams are properly inspected, maintained and repaired in a manner that keeps the dams in good operating condition.



Table 10-1 Category 1A &amp; Category 1B Dam Requirements

| Dam Criteria   | Required Value         |
|--|------------------------|
| Height* (metres) x Storage volume (metres <sup>3</sup> ) | <20,000 m <sup>4</sup> |
| Maximum height*  | 2.5m                   |
| Minimum crest width                                      | 3m                     |
| Dam slopes   | 2H:1V or flatter       |
| Maximum water level                                      | 0.5m below the crest   |

\*as measured from the lowest point of the downstream toe of the dam to the crest of the dam.

Table 10-2 Category 2 Dam Requirements

| Dam Criteria                                | Required Value                               |
|---|--|
| Maximum storage volume*                     | 30,000 m <sup>3</sup>                        |
| Maximum height**                            | 2.5 m  |
| Contents                                    | Does not impound tailings                    |
| Dam slopes                                  | 2H:1V or flatter                             |
| Maximum water level                         | 0.5 m below crest or as determined by P.Eng. |
| Consequences of potential failure scenarios | Low***                                       |

\*as calculated based on the maximum water level.

\*\*as measured from the lowest point of the downstream toe of the dam to the crest of the dam.

\*\*\*as determined under section 10.5.6

## Filing and Reporting

### Publication

- 10.3.1** When required by an inspector, notice of filing an application under section 10 (1) of the *Mines Act* must be published, by the person filing it, in the Gazette and in local newspapers.

### Written Response

- 10.3.2** If a notice of filing has been published under section 10.3.1 of this code, a person affected by, or interested in, the application has 30 days after the last date on which the notice was published to view the application and make written representations to the chief permitting officer.

### Mine Plan, Reclamation Plan and Closure Plan

- 10.3.3** (1) Unless otherwise stated in the permit, the manager must ensure that the mine plan, reclamation plan and closure plan are
- developed and provided to the chief inspector on commencement of operations, and
  - updated and provided to the chief inspector at least every 5 years.

- (2) The manager must ensure that the reclamation plan outlines the progressive reclamation activities planned for the 5 years following the date on which the mine plan is updated in accordance with subsection (1) (b).
- (3) The manager must
  - (a) ensure that reasonable efforts are made to engage with each affected First Nation in order for each First Nation to identify if it wants to receive the mine plan, reclamation plan or closure plan described in subsection (1), and
  - (b) provide to each First Nation a copy of each of the most recent plans identified by the First Nation under paragraph (a) of this subsection, in accordance with the timeframe applicable with respect to the chief inspector.

#### **Additional Reporting Requirements**

- 10.3.4** (1) In addition to other reporting requirements set out in this Part, the manager must
- (a) annually provide to the chief inspector
    - (i) a description, in a form specified by the chief inspector, of the reclamation and environmental monitoring work referred to in section 10.2.2 (e), by March 31 of the following year,
    - (ii) a summary of outstanding TSF and dam orders issued by inspectors, including the scheduled completion dates, by March 31 of the following year, and
    - (iii) a report, respecting each affected First Nation, that lists
      - (A) the documents the First Nation identified under subsection (2) (a) of this section and sections 10.3.3 (3) (a), 10.4.3 (8) (a), 10.5.4 (3) (a), 10.6.2 (5) (a), 10.6.3 (3) (a), 10.6.4 (6) (a), 10.6.5 (6) (a), 10.6.7 (11) (a), 10.6.12 (8) (a) and 10.7.1 (3) (a), by March 31 of the following year, and
      - (B) the documents provided to the First Nation under subsection (2) (b) of this section and sections 10.3.3 (3) (b), 10.4.3 (8) (b), 10.5.4 (3) (b), 10.6.2 (5) (b), 10.6.3 (3) (b), 10.6.4 (6) (b), 10.6.5 (6) (b), 10.6.7 (11) (b), 10.6.12 (8) (b) and 10.7.1 (3) (b), by March 31 of the following year, and
  - (b) provide other reporting as directed by the chief inspector.
- (2) The manager must
- (a) ensure that reasonable efforts are made to engage with each affected First Nation in order for each First Nation to identify if it wants to receive any of the documents described in subsection (1) (a) (i) and (ii), and

- (b) provide to each First Nation a copy of each of the most recent documents identified by the First Nation under paragraph (a) of this subsection, in accordance with the timeframe applicable with respect to the chief inspector.

### **TSFs and Dams – Responsibilities**

#### **Engineer of Record**

- 10.4.1** (1) The manager must ensure that a professional engineer, who has the technical expertise and experience commensurate with the complexity of the TSF or dam, is retained as the engineer of record for each TSF and dam.
- (2) The manager must, within 72 hours of an engineer of record accepting the role, provide the chief inspector with the engineer of record's written acknowledgement that the engineer of record
- (a) has the commensurate expertise and experience referred to in subsection (1), and
  - (b) is accepting the role of engineer of record.
- (3) The manager must provide the chief inspector with the engineer of record's written notification that the engineer of record is departing from the role of engineer of record, within 72 hours of receiving the notification.
- (4) A reference to the engineer of record in this Part includes the qualified professionals under the supervision of the engineer of record, except with respect to
- (a) the references to engineer of record in this section and sections 10.4.4, 10.6.2 (3) (a) and (b), 10.6.4 (3) and (4), 10.6.6 (7) (b), 10.6.7 (7) (b) and 10.6.9 (2), and
  - (b) the second reference to engineer of record in sections 10.5.2 (2), 10.5.3 (2) and 10.5.4 (2) (a).

#### **TSF Qualified Person and Dam Qualified Person**

- 10.4.2** (1) The manager must
- (a) designate a TSF qualified person for safe management of each TSF,
  - (b) designate a dam qualified person for safe management of each dam not associated with a TSF,
  - (c) provide to the chief inspector a written acknowledgement,
    - (i) signed by the manager, that each qualified person referred to in paragraph (a) or (b) has the technical expertise and experience commensurate with the complexity of the TSF or dam, as applicable, and

- (ii) signed by the qualified person, confirming the person accepts the role of qualified person under paragraph (a) or (b), as applicable, and
- (d) if the qualified person under paragraph (a) or (b) changes, notify the chief inspector within 72 hours.
- (2) A qualified person referred to in subsection (1) (a) or (b) must, as a result of the person's knowledge, training and experience,
  - (a) be qualified to organize, supervise and perform duties related to the safe management of the TSF or dam, as applicable,
  - (b) be familiar with the provisions of the *Mines Act*, the code and the regulations that apply to the safe management of TSFs or dams, as applicable,
  - (c) be capable of identifying potential or actual danger to people or the environment as it relates to TSFs or dams, as applicable, and
  - (d) be the holder of a supervisor's certificate, as required under section 1.12.7 of this code.

### Independent Tailings Review Board

- 10.4.3**
- (1) The manager of a mine with one or more tailings storage facilities must establish an Independent Tailings Review Board, unless exempted by the chief inspector.
  - (2) The manager must ensure that reasonable efforts are made to engage with affected First Nations regarding the establishment of the Independent Tailings Review Board prior to requesting an exemption as set out in subsection (1).
  - (3) The manager must ensure that the composition and qualifications of the Independent Tailings Review Board is commensurate with the complexity of the TSF.
  - (4) The manager must provide to the chief inspector
    - (a) a list of the Independent Tailings Review Board members and their qualifications, and
    - (b) an update when the Board's membership changes.
  - (5) The manager must ensure that terms of reference for the Independent Tailings Review Board are developed, and updated, taking into consideration the complexity of the TSF.
  - (6) The manager must make an annual report of the activities of the Independent Tailings Review Board that describes the following:
    - (a) a summary of the reviews conducted that year, including the number of meetings, topics discussed and attendees;
    - (b) whether the work reviewed that year meets the Board's expectations of good practice;
    - (c) any conditions that the Board is aware of that may compromise tailings storage facility integrity;

- (d) signed acknowledgement by the members of the Board, confirming that the report is a true and accurate representation of their reviews.
- (7) The manager must provide to the chief inspector the annual report referred to in subsection (6) by March 31 of the following year.
- (8) The manager must
  - (a) ensure that reasonable efforts are made to engage with each affected First Nation in order for each First Nation to identify if it wants to receive any of the documents described in subsections (4) and (6), and
  - (b) provide to each First Nation a copy of each of the most recent documents identified by the First Nation under paragraph (a) of this subsection, in accordance with the timeframe applicable with respect to the chief inspector.

### **Duty to Report Unresolved Safety Issues**

- 10.4.4** (1) If the manager receives written notification from the engineer of record that a TSF or dam safety deficiency is not being addressed in an appropriate time period, the manager must, within 72 hours of receiving the written notification,
- (a) report the deficiency to the chief inspector, and
  - (b) provide a copy of the report referred to in paragraph (a) to the engineer of record.
- (2) If the manager does not provide the report to the chief inspector and the engineer of record in accordance with subsection (1), the engineer of record must, within 72 hours immediately following the expiration of 72-hour period set out in subsection (1), report the unaddressed TSF or dam safety deficiency to the chief inspector.

## **TSFs and Dams – Design**

### **Design Responsibility**

- 10.5.1** The manager must ensure that tailings storage facilities and dams are designed by, or under the direct supervision of, the engineer of record.

### **Site Characterization**

- 10.5.2** (1) The manager must ensure that the engineer of record develops a site characterization for each TSF and dam, which supports the design of the TSF or dam, and includes the following:
- (a) climate, hydrology and climate change;
  - (b) summary of environmental setting;
  - (c) site surficial geology, geomorphology and geohazards;
  - (d) bedrock geology, geotechnical conditions, hydrogeology and seismotectonic conditions;

- (e) representative plans and cross-sections of interpreted geological and geotechnical units, and groundwater conditions;
  - (f) a signed and sealed assurance statement, in a form specified by the chief inspector.
- (2) The manager must ensure that the site characterization for the TSF or dam is reviewed and updated by the engineer of record when the engineer of record considers it appropriate.
  - (3) The manager must ensure that, when the site characterization for the TSF or dam is developed or reviewed,
    - (a) reasonable efforts are made to engage with affected First Nations, and
    - (b) local Indigenous knowledge received under paragraph (a) is considered.

### Design Report

- 10.5.3** (1) The manager must ensure that, for each TSF and dam, a design report is developed by the engineer of record, that includes
- (a) an analysis of the following, to support the design of the TSF or dam:
    - (i) the site characterization as set out under section 10.5.2;
    - (ii) tailings characterization and management, in the case of TSFs;
    - (iii) the consequences of potential failure scenarios as set out under section 10.5.6;
    - (iv) the risk assessment as set out under section 10.6.8;
    - (v) stability, deformation and other assessments, as considered appropriate by the engineer of record;
    - (vi) seepage and groundwater management;
    - (vii) water balance and water management;
    - (viii) closure,
  - (b) consideration of the following:
    - (i) mining or tailings processes;
    - (ii) environmental factors;
    - (iii) hydrological conditions and other conditions associated with climate change,
  - (c) a description of the proposed quantifiable performance objectives, and
  - (d) the design summary document developed or updated, as appropriate, under section 10.5.4 (1).
- (2) The manager must ensure that the design report developed under subsection (1) is reviewed and updated by the engineer of record when the engineer of record considers it appropriate.

- (3) The manager must ensure that, when the design report is developed or reviewed,
  - (a) reasonable efforts are made to engage with affected First Nations, and
  - (b) local Indigenous knowledge received under paragraph (a) is considered.

### **Design Summary Document**

- 10.5.4**
- (1) The manager must ensure that the engineer of record develops a design summary document that summarizes the items listed in section 10.5.3 (1) (a) to (c) in the form of a table specified by the chief inspector.
  - (2) The manager must ensure the design summary document is
    - (a) reviewed and updated by the engineer of record when the engineer of record considers it appropriate, and
    - (b) provided to the chief inspector by March 31 of the year following the year it is updated.
  - (3) The manager must
    - (a) ensure that reasonable efforts are made to engage with each affected First Nation in order for each First Nation to identify if it wants to receive the design summary document as developed under subsection (1) or updated under subsection (2), whichever is the most recent, and
    - (b) provide a copy of the most recent document to each First Nation that identifies under paragraph (a) of this subsection, it wants to receive it, in accordance with the timeframe applicable with respect to the chief inspector.

### **Failure and Breach or Runout Assessment**

- 10.5.5**
- (1) The manager must ensure the engineer of record develops a failure and breach or runout assessment for each TSF and dam that contains the following:
    - (a) an analysis of the failure modes and the expected results of each failure mode;
    - (b) potential dam failure scenarios;
    - (c) estimates of inundation or runout areas, if applicable;
    - (d) estimates of breach and arrival times, if applicable.
  - (2) The manager must ensure that the assessment under subsection (1) is reviewed by the engineer of record and updated prior to a material change to the design, construction, operation or downstream conditions that has affected or may affect the potential inundation or run out area.

- (3) If, before the date this section comes into force, a breach and inundation study or a failure runout assessment was completed in accordance with section 10.1.11 of the code, as it read immediately before its repeal,
  - (a) the manager must ensure that, before May 1, 2026, the engineer of record updates the study or assessment so that the requirements of subsection (1) (a) to (d) of this section are met,
  - (b) despite its repeal, section 10.1.11, as it read immediately before its repeal, continues to apply with respect to the study or assessment until the study or assessment is updated in accordance with paragraph (a) of this subsection, and
  - (c) on the date this section comes into force, the manager must comply with subsection (2) of this section with respect to the study or assessment, before and after it is updated in accordance with paragraph (a) of this subsection.
- (4) If, before the date this section comes into force, a breach and inundation study or failure runout assessment was not completed in accordance with section 10.1.11, as it read immediately before its repeal, the manager is not required to comply with subsections (1) and (2) of this section until May 1, 2026.

#### Classification of TSFs and Dams

- 10.5.6**
- (1) The manager must ensure that, for each TSF and dam, the engineer of record
    - (a) determines the potential failure scenarios to be used to determine the consequences of the potential failure scenarios as described in Table 10-3, and
    - (b) reviews the failure and breach or runout assessment as set out in section 10.5.5 in making the determination under paragraph (a).
  - (2) The manager must ensure that the engineer of record documents the following for each TSF and dam:
    - (a) a determination, in accordance with Table 10-3, of the consequences of potential failure scenarios for the TSF or dam with input from other qualified professionals and persons with relevant areas of knowledge, as needed and appropriate;
    - (b) changes to the consequences of potential failure scenarios.
  - (3) The manager must ensure that, in determining the consequences of potential failure scenarios referred to in subsection (2) (a),
    - (a) reasonable efforts are made to engage with potentially affected First Nations, and
    - (b) local Indigenous knowledge received under paragraph (a) is considered.



**Table 10-3**  
**Consequences of Potential TSF or Dam Failure Scenarios**

| <b>Potential Losses</b>                                      |                               |   |  |  |
|--|-------------------------------|---|--|--|
| <b>Consequence of Potential TSF or Dam Failure Scenarios</b> | <b>Potential Loss of Life</b> | <b>Environment</b>  | <b>Health, Social &amp; Cultural</b>   | <b>Infrastructure and Economics</b>  |
| <b>Low</b>   | none                          | Minimal short-term loss of environmental values. No expected impact on livestock or fauna drinking water. Limited area of impact and restoration feasible in short term.  | Minimal effects and disruption of business and livelihood. No measurable effects on human health. No disruption of heritage, recreation, community or cultural assets.   | Low economic loss: area contains limited infrastructure or services.   |
| <b>Significant</b>   | none                          | Limited loss or deterioration of environmental values. Potential contamination of livestock or fauna water supply. Moderate area of impact and restoration possible.  | Limited effects and disruption of business and livelihood. No measurable effects on human health. Limited loss of regional heritage, recreation, community or cultural assets.                                       | Moderate economic loss: losses to recreational facilities, seasonal workplaces and infrequently used transportation routes.  |
| <b>High</b>  | 1 - 10                        | Significant loss or deterioration of critical environmental values. Potential contamination of livestock or fauna water supply. Potential area of impact 5 km <sup>2</sup> to 20 km <sup>2</sup> . Restoration possible within a moderate time frame. | Many people affected by disruption of business, services or social dislocation. Significant loss of regional heritage, recreation, community or cultural assets. Potential for some short-term human health effects. | High economic loss: losses affecting infrastructure, public transportation, commercial facilities or employment. Moderate relocation costs and/or compensation to communities. |

| Potential Losses                                      |                        |   |   |  |
|---|------------------------|---|---|--|
| Consequence of Potential TSF or Dam Failure Scenarios | Potential Loss of Life | Environment   | Health, Social & Cultural   | Infrastructure and Economics   |
| <b>Very High</b>                                      | 10 to 100              | Major loss or deterioration of critical environmental values including rare and endangered species of high significance. Potential area of impact >20 km <sup>2</sup> . Restoration or compensation possible but very difficult and requires a moderate to long time frame. | A high number of people affected by disruption of business, services or social dislocation for more than one year. Significant loss of national heritage, recreation, or community facilities or cultural assets. Significant long-term human health effects. | Very high economic loss: losses affecting important infrastructure, services (e.g., highway, industrial facilities or storage facilities for dangerous substances) or employment. High relocation costs and/or compensation to communities.  |
| <b>Extreme</b>  | > 100                  | Catastrophic loss of critical environmental values including rare and endangered species of high significance. Very large areas of potential impact. Restoration or compensation in kind impossible or requires a very long time.   | A large number of people affected by disruption of business, services, or social dislocation for years. Significant national heritage or community facilities or cultural assets destroyed. Potential for Severe and/or long-term human health effects.       | Extreme economic loss: losses affecting critical infrastructure or services (e.g., hospital, major industrial complex, major storage facilities for dangerous substances or employment. Very high relocation costs and/or compensation to communities and very high social readjustment costs. |

### Seismic and Flood Design Criteria

- 10.5.7** (1) The manager must ensure that the engineer of record designs each TSF or dam so it meets the minimum seismic and flood criteria set out in Table 10-4.
- (2) The manager must ensure that, if a dam contains flowable tailings or water containing tailings, it meets the seismic and flood criteria set out in Table 10-4 for TSFs.

- (3) The manager must ensure that the engineer of record designs the inflow design flood of each TSF or dam so that it addresses the following:
  - (a) evaluation of scenarios of frequency, intensity and duration to identify controlling events;
  - (b) consideration of rain or snow;
  - (c) consideration of the effect of the seasons.
- (4) The manager must ensure that the criteria respecting the environmental design flood is determined by the engineer of record.
- (5) The manager must ensure that, when the criteria respecting the environmental design flood criteria is determined,
  - (a) reasonable efforts are made to engage with affected First Nations, and
  - (b) local Indigenous knowledge received under paragraph (a) is considered.
- (6) Despite subsection (1), the manager may, for final closure of a TSF or dam classified as low consequence of potential failure as set out Table 10-3, apply to the chief permitting officer for an exemption to the final closure flood criteria, final closure seismic criteria, or both, as set out in Table 10-4.
- (7) Subject to subsection (8), if, on the date this section comes into force, a TSF or dam exists and the manager does not meet a requirement as set out in subsections (1) to (5) of this section, with respect to the TSF or dam,
  - (a) the manager is not required to meet the requirement with respect to the TSF or dam until November 1, 2026, and
  - (b) despite its repeal, section 10.1.8 of the code, as it read immediately before its repeal, continues to apply to the TSF or dam in respect of the subject matter of the requirement referred to in paragraph (a) of this subsection, until the earlier of the following:
    - (i) the manager meets the requirement;
    - (ii) November 1, 2026.
- (8) If, immediately before the date this section comes into force, an exception respecting section 10.1.8, as set out in section 10.1.19 (2) of the code, as it read immediately before its repeal, applied to a TSF or dam, the exception continues to apply to the TSF or dam until the earlier of the following:
  - (a) section 10.2.10 (2) applies to the TSF or dam;
  - (b) November 1, 2026.

**Table 10-4**  
**Minimum Seismic and Flood Criteria – Annual Exceedance Probability**

| Failure Consequence Classification | Flood Criteria                            |                           |               | Seismic Criteria                        |                           |                 |
|------------------------------------|---|---------------------------|---------------|---|---------------------------|-----------------|
|                                    | TSFs                                      | Dams                      | Final Closure | TSFs                                    | Dams                      | Final Closure   |
| Low                                | 1/3 <sup>rd</sup>                         | 1/200                     | PMF           | 1/2,475                                 | 1/200                     | 1/10,000 or MCE |
| Significant                        | Between 1/1,000 and PMF                   | between 1/200 and 1/1,000 |               |   | between 1/200 and 1/1,000 |                 |
| High                               | 1/3 <sup>rd</sup> Between 1/1,000 and PMF |                           |               | 1/2,475                                 |                           |                 |
| Very High                          | 2/3 Between 1/1,000 and PMF               |                           |               | 1/2 Between 1/2,475 and 1/10,000 or MCE |                           |                 |
| Extreme                            | PMF                                       |                           |               | 1/10,000 or MCE                         |                           |                 |

**Footnotes for Table 10-4**

PMF means Probable Maximum Flood

MCE means Maximum Credible Earthquake

**Design Slopes**

- 10.5.8** (1) For a TSF or dam that has an overall downstream slope steeper than 2H:1V, the manager must submit justification by the engineer of record for the selected design slope and receive authorization by the chief permitting officer prior to construction.
- (2) Subject to subsection (3), if, on the date this section comes into force, a TSF or dam exists and has an overall downstream slope steeper than 2H:1V,
- (a) the manager is not required to comply with subsection (1) of this section with respect to the TSF or dam until November 1, 2026, and
- (b) despite its repeal, section 10.1.9 of the code, as it read immediately before its repeal, continues to apply to the TSF or dam until the earlier of the following:
- (i) the manager complies with subsection (1) of this section;
- (ii) November 1, 2026.
- (3) If, immediately before the date this section comes into force, an exception respecting section 10.1.9, as set out in section 10.1.19 (2) of the code, as it read immediately before its repeal, applied to a TSF or dam, the exception continues to apply to the TSF or dam until the earlier of the following:
- (a) section 10.2.10 (2) applies to the TSF or dam;
- (b) November 1, 2026.

### Minimum Factors of Safety

- 10.5.9** (1) The manager must ensure that all TSFs and dams meet the criteria for minimum factors of safety set out in Table 10-5.
- (2) If a TSF or dam has a calculated factor of safety that is less than the criteria for minimum factors of safety set out in Table 10-5 that must be met under subsection (1), the manager must submit justification by the engineer of record for the selected factor of safety and receive authorization by the chief permitting officer prior to construction.
- (3) Subject to subsection (4), if, on the date this section comes into force, a TSF or dam exists,
- (a) the manager is not required to comply with subsection (1) of this section with respect to the TSF or dam until November 1, 2026, and
- (b) despite its repeal, section 10.1.10 of the code, as it read immediately before its repeal, continues to apply to the TSF or dam until the earlier of the following:
- (i) the manager complies with subsection (1) of this section;
- (ii) November 1, 2026.
- (4) If, immediately before the date this section comes into force, an exception respecting section 10.1.10, as set out in section 10.1.19 (2) of the code, as it read immediately before its repeal, applied to a TSF or dam, the exception continues to apply to the TSF or dam until the earlier of the following:
- (a) section 10.2.10 (2) applies to the TSF or dam;
- (b) November 1, 2026.

**Table 10-5**  
**Minimum Factors of Safety for TSFs and Dams**

| Facility   | Minimum Factors of Safety              |                        |  |              |
|------------|--|------------------------|--|--------------|
|            | Prior to storage of water and tailings | Operations and Closure | Rapid Drawdown – upstream slope where applicable | Post Seismic |
| TSF or dam | 1.3                                    | 1.5                    | 1.2 to 1.3                                       | 1.2          |

### Plans for Underground Dams and Bulkheads

- 10.5.10** (1) The manager must ensure that issued for construction drawings, specifications, and quality assurance and quality control plans respecting structures for impounding water, restraining saturated material or confining air under pressure in an underground opening have been prepared by a professional engineer prior to construction.

- (2) The manager must ensure that, prior to using an underground structure referred to in subsection (1), a professional engineer verifies the structure has been constructed in a manner consistent with the drawings, specifications and plans referred to in subsection (1) and is suitable for the intended use.
- (3) Structures in subsection (1) required in the approved closure plan must be authorized by the chief permitting officer prior to construction.
- (4) Subsections (1) to (3) do not apply in the case of
  - (a) a structure less than 1 m in height used solely for
    - (i) diverting the ordinary drainage, or
    - (ii) storing water for mining purposes, or
  - (b) ventilation bulkheads or regulators used solely for ordinary ventilation.
- (5) Despite subsection (1), a temporary dam or bulkhead may be constructed in an underground mine during an emergency without meeting the requirements of subsection (1) but no person may be allowed to work in any part of the underground mine that could be affected by the construction or failure of the dam or bulkhead until a professional engineer has verified that the structure is suitable for the intended use.

### **TSFs and Dams – Operation and Closure**

#### **Management Systems**

- 10.6.1** The manager of a mine with one or more TSFs or dams must
- (a) develop and maintain a management system commensurate with the overall complexity of the TSFs and dams and include regular system audits, and
  - (b) ensure that local Indigenous knowledge received from a First Nation under this Part is not disclosed without prior written consent from the First Nation.

#### **Dam Safety Review**

- 10.6.2**
- (1) The manager must ensure that a dam safety review report for each TSF or dam is prepared by an independent professional engineer at the frequency set out in Table 10-6.
  - (2) The manager must ensure that the dam safety review report referred to in subsection (1) includes the following for each TSF or dam:
    - (a) a summary describing the TSF or dam and its components;
    - (b) identification of material changes to the infrastructure TSF or dam since the previous review, as applicable;
    - (c) a review of the consequences of potential failure scenarios;

- (d) a review of the design, construction, operation and monitoring of the facility and assessment of its performance;
  - (e) a review of the design summary document and design criteria;
  - (f) the findings of the dam safety review prepared under this section including any recommended actions and associated timelines;
  - (g) a signed and sealed assurance statement by a professional engineer, in a form specified by the chief inspector.
- (3) The manager must address each recommended action referred to in subsection (2) (f) by
- (a) ensuring the engineer of record reviews each recommended action and either accepts it or proposes an alternate course of action, and
  - (b) completing each recommended action or alternate course of action, as determined by the engineer of record under paragraph (a), within timelines agreed to with the engineer of record.
- (4) The manager must provide to the chief inspector the following documents:
- (a) the dam safety review report referred to in subsection (1), by June 1 of the year following the year the report is required to be prepared;
  - (b) an annual summary of all the TSF and dam safety recommended actions referred to in subsection (3) (a), by March 31 of the following year.
- (5) The manager must
- (a) ensure that reasonable efforts are made to engage with each affected First Nation in order for each First Nation to identify if it wants to receive any of the documents set out in subsection (4), and
  - (b) provide to each First Nation a copy of each of the most recent documents identified by the First Nation under paragraph (a) of this subsection, in accordance with the timeframe applicable with respect to the chief inspector.

**Table 10-6**  
**Schedule of Dam Safety Review Periods**

| Facility | Duration Between Dam Safety Reviews based on consequences of potential failure as determined under Table 10-3 |              |                        |
|----------|---|--------------|------------------------|
|          | Category 1A, 1B and 2 dams  | Low          | Significant to Extreme |
| TSF      | Not required  | 10 years     | 5 years                |
| Dam      |   | Not required | 5 years                |

**TSFs and Dams Register**

- 10.6.3** (1) The manager must ensure that a register of all TSFs and dams, in a form specified by the chief inspector, is established and submitted to the chief inspector.
- (2) The manager must ensure that the register is annually updated and provided to the chief inspector by March 31 of the following year.
- (3) The manager must
- (a) ensure that reasonable efforts are made to engage with each affected First Nation in order for each First Nation to identify if it wants to receive the register established under subsection (1) or updated under subsection (2), whichever is the most recent, and
  - (b) provide a copy of the most recent register to each First Nation that identifies under paragraph (a) of this subsection it wants to receive it, in accordance with the timeframe applicable with respect to the chief inspector.

**Annual Facility Performance Report**

- 10.6.4** (1) The manager must ensure that the engineer of record completes a facility performance report annually for each TSF or dam.
- (2) The annual facility performance report must include the following for each TSF or dam:
- (a) identification of whether the consequences of potential failure scenarios as described in Table 10-3 remain appropriate;
  - (b) a description of any material changes to the design, construction, operation and closure of each TSF and dam, their effect on the safety of the TSF or dam and whether they have been captured in the change register under section 10.6.9;
  - (c) a description of any updates to the design summary document and design criteria;
  - (d) a summary of construction and operation activities;
  - (e) a summary and analysis of the results of surveillance, instrumentation and monitoring;
  - (f) a review of potential TSF or dam failure modes during the review period;
  - (g) identification of whether the facility TSF or dam was operated during the review period according to the quantifiable performance objectives set out in section 10.5.3 (1) (c), and summarized and updated under section 10.5.4 and section 10.6.7 (6);
  - (h) incident reports;
  - (i) TSF or dam safety recommended actions, including prioritization rankings and timelines for completion.
- (3) The manager must ensure that each TSF or dam safety recommended action included in the annual facility performance report under



- subsection (2) (i) is implemented within the timeline recommended under that provision unless the engineer of record agrees, in writing, to an alternate course of action or timeline, in which case the manager must ensure the alternate course of action or timeline is implemented.
- (4) The manager must ensure that the engineer of record provides a signed and sealed annual facility performance report assurance statement, in a form specified by the chief inspector.
  - (5) The manager must annually provide to the chief inspector, by March 31 of the following year,
    - (a) the facility performance report referred to in subsection (1), and
    - (b) a summary of all the TSF and dam safety recommended actions, referred to in subsection (2) (i).
  - (6) The manager must
    - (a) ensure that reasonable efforts are made to engage with each affected First Nation in order for each First Nation to identify if it wants to receive any of the documents referred to in subsection (5), and
    - (b) provide to each First Nation a copy of each of the most recent documents identified by the First Nation under paragraph (a) of this subsection, in accordance with the timeframe applicable with respect to the chief inspector.

## Construction

- 10.6.5**
- (1) The manager must ensure that the following documents are prepared by the engineer of record for each TSF or dam:
    - (a) issued for construction drawings;
    - (b) issued for construction specifications;
    - (c) a summary of milestones and key timelines associated with constructing the TSF or dam;
    - (d) quality assurance and quality control requirements that meet the issued for construction specifications referred to in paragraph (b).
  - (2) The manager must ensure that the engineer of record has verified, in a form specified by the chief inspector, that the TSF or dam is ready to receive tailings or water prior to use and submitted the signed and sealed verification to the chief inspector prior to the TSF or dam receiving the tailings or water.
  - (3) The manager must ensure that the engineer of record completes a construction records report when construction begins on a TSF or dam, and annually until construction is completed, and includes the following respecting the construction of the TSF or dam:
    - (a) geotechnical foundation conditions;
    - (b) as constructed representative cross-sections;
    - (c) quality assurance and quality control data;

- (d) interpretation of the data;
  - (e) a description of any unforeseen deviations or material changes from subsection (1) (a) or (b);
  - (f) installed instrumentations.
- (4) The manager must ensure that the construction records report includes a signed and sealed assurance statement, in a form specified by the chief inspector, from the engineer of record that the facility substantially complies in all material respects with the original design intent and that the TSF or dam is suitable for use.
- (5) Unless otherwise stated in the permit, the manager must provide to the chief inspector
- (a) the documents set out in subsection (1), prior to each stage of construction, and
  - (b) the construction records report as referred to in subsection (3), by June 1 of the year following the year the report is required to be completed.
- (6) The manager must
- (a) ensure that reasonable efforts are made to engage with each affected First Nation in order for each First Nation to identify if it wants to receive any of the documents described in subsections (5) (a) and (b), and
  - (b) provide to each First Nation a copy of each of the most recent documents identified by the First Nation under paragraph (a) of this subsection, in accordance with the timeframe applicable with respect to the chief inspector.

### **Operations, Maintenance and Surveillance (OMS) Manual**

- 10.6.6**
- (1) The manager must ensure an Operations, Maintenance and Surveillance (OMS) Manual is prepared by one or more qualified persons for each TSF or dam respecting the operations and closure of the TSF or dam.
  - (2) The manager must ensure that the OMS Manual is reviewed by the engineer of record, unless it is prepared by the engineer of record.
  - (3) Prior to implementation of the OMS Manual, the manager must
    - (a) ensure that recommendations from the engineer of record, after a review under subsection (2), are addressed, and
    - (b) review and approve the OMS manual.
  - (4) The manager must ensure that the OMS Manual is implemented prior to the initial filling of the TSF or dam with tailings or water.
  - (5) The OMS Manual must include the following:
    - (a) a description of roles, responsibilities and training requirements;
    - (b) consequences of potential failure scenarios and key design requirements of the TSFs and dams;

- (c) an instrumentation, monitoring and surveillance plan;
  - (d) the quantifiable performance objectives set out in section 10.5.3 (1) (c), and summarized and updated under section 10.5.4 and section 10.6.7 (6);
  - (e) trigger action response plans in cases of escalating changes of dam safety conditions set out in section 10.6.7 (6);
  - (f) maintenance and testing requirements for key equipment for safe operation of the TSF or dam.
- (6) The manager must ensure that all employees and contractors involved in the construction or operation of a TSF or dam are trained and qualified, based on the OMS Manual, prior to commencing work at the TSF or dam.
  - (7) The manager must ensure that the OMS Manual is
    - (a) reviewed annually by the TSF qualified person or dam qualified person, as applicable, and the engineer of record, and
    - (b) updated when the engineer of record considers it appropriate.
  - (8) The manager must ensure that, whenever the OMS Manual is updated, employees and contractors are provided with additional training, as appropriate.
  - (9) The manager must keep the OMS Manual on site and make it available to an inspector on request.
  - (10) If, before the date this section comes into force, an OMS manual was prepared in accordance with section 10.5.2 of the code, as it read immediately before its repeal,
    - (a) the manager must ensure that, before May 1, 2025, one or more qualified persons updates the manual so that the requirements of subsection (5) of this section are met, and
    - (b) subsection (4) of this section does not apply with respect of the manual.

## Water Management

- 10.6.7**
- (1) The manager must ensure that a qualified professional develops an overall site water balance and overall water management plan for the mine.
  - (2) The manager must ensure that a qualified professional
    - (a) reconciles the overall site water balance annually, and
    - (b) updates the overall water management plan when there are material changes.
  - (3) The manager must ensure that, when the overall site water balance and overall water management plan is developed under subsection (1) or the overall site water balance is reconciled under subsection (2),
    - (a) reasonable efforts are made to engage with affected First Nations, and

- (b) local Indigenous knowledge received under paragraph (a) is considered.
- (4) The manager must ensure that a qualified professional develops a water balance and water management plan for each TSF and dam that is
  - (a) integrated with the overall site water balance and overall water management plan referred to in subsection (1), and
  - (b) based on the design summary document as set out in section 10.5.4.
- (5) Respecting the water balance and water management plan referred to in subsection (4), the manager must ensure that a qualified professional
  - (a) reconciles the water balance annually, and
  - (b) updates the water management plan when there are material changes.
- (6) The manager must ensure the engineer of record
  - (a) develops quantifiable performance objectives, and trigger action response plans in cases of escalating changes of dam safety conditions, that are informed by the water balance and water management plan for the TSF or dam, and
  - (b) reviews and updates the quantifiable performance objectives, and trigger action response plans, as set out in paragraph (a) when the engineer of record considers it appropriate.
- (7) The manager must ensure that
  - (a) the quantity of water predicted by the water balance can be safely stored, and
  - (b) surplus water balances are reduced in accordance with a plan approved by the engineer of record.
- (8) The manager must ensure that the water balance and water management plans for each TSF or dam referred to in subsection (4) include the following:
  - (a) water usage, water sources and discharges from the mine;
  - (b) layout of all water management infrastructure;
  - (c) location of monitors and methods;
  - (d) water balance schematics;
  - (e) climate conditions and hydrology;
  - (f) groundwater and surface water interactions;
  - (g) water balance projections.
- (9) The manager must immediately notify the chief inspector and affected communities and First Nations if any water discharged without a permit occurs or is necessary.
- (10) The manager must provide to the chief inspector
  - (a) the annual reconciliation of the overall site water balance referred to in subsection (2), by March 31 of the year following the year it is reconciled,

- (b) the updated overall water management plan referred to in subsection (2), by March 31 of the year following the year it is updated, and
  - (c) the updated water management plan referred to in subsection (5), by March 31 of the year following the year it is updated.
- (11) The manager must
- (a) ensure that reasonable efforts are made to engage with each affected First Nation in order for each First Nation to identify if it wants to receive any of the documents referred to in subsection (10), and
  - (b) provide to each First Nation a copy of each of the most recent documents identified by the First Nation under paragraph (a) of this subsection, in accordance with the timeframe applicable with respect to the chief inspector.
- (12) If, before the date this section comes into force, an overall site water balance was completed in accordance with section 10.1.3 (d) (xi) of the code, as it read immediately before its repeal, and an overall water management plan was completed in accordance with section 10.1.3 (d) (vi) of the code, as it read immediately before its repeal,
- (a) the manager is not required to comply with subsections (1), (2), (3), (10) (a) and (b) and (11) of this section, with respect to the overall site water balance and overall water management plan, until March 30, 2026, and
  - (b) despite their repeal, sections 10.1.3 (d) (vi) and 10.1.3 (d) (xi), as they read immediately before their repeal, continue to apply to the overall site water balance and overall water management plan, respectively, until the earlier of the following:
    - (i) the manager complies with subsections (1), (2), (3), (10) (a) and (b) and (11) of this section;
    - (ii) March 30, 2026.
- (13) If, before the date this section comes into force, a water balance and water management plan was completed for a TSF or dam in accordance with section 10.1.12 (1) of the code, as it read immediately before its repeal,
- (a) the manager is not required to comply with subsections (4) (a) and (8) of this section in respect of the water balance and water management plans until March 30, 2026,
  - (b) despite its repeal, section 10.1.12 (1), as it read immediately before its repeal, continues to apply to the water balance and water management plan until the earlier of the following:
    - (i) the manager complies with subsections (4) (a) and (8) of this section;
    - (ii) March 30, 2026, and

- (c) subject to subsection (14) of this section, the manager must provide to the chief inspector the annual reconciliation of the water balance by March 31 of the year following the year it is reconciled.
- (14) Subsection (13) (c) of this section ceases to apply after the annual reconciliation of the water balance that is due by March 31, 2025 is provided to the chief inspector.

### **Risk Assessment**

- 10.6.8** (1) Prior to the initial filling of the TSF or dam with tailings or water, the manager must ensure that a risk assessment is prepared by a qualified professional, with experience commensurate with the complexity of the TSF or dam, that documents the likelihood of potential failure scenarios and the consequences of potential failure scenarios.
- (2) The manager must ensure that the engineer of record annually reviews the risk assessment to ensure that the following, at a minimum, are current and appropriate to manage risks:
- (a) the quantifiable performance objectives set out in section 10.5.3 (1) (c), and summarized and updated under section 10.5.4, and section 10.6.7 (6);
  - (b) the operating and monitoring requirements set out in the Operations Maintenance and Surveillance Manual prepared under section 10.6.6.

### **Change Register**

- 10.6.9** (1) The manager must develop and maintain a change register, in consultation with the engineer of record, to track material changes to the design, construction, operation and closure of each TSF and dam.
- (2) The manager must ensure that the engineer of record acknowledges and addresses all material changes entered into the change register.
- (3) The manager must ensure that the change register is made available to an inspector on request.

### **Emergency Preparedness and Response Plan**

- 10.6.10** (1) The manager must develop an Emergency Preparedness and Response Plan (EPRP) for potential TSF or dam failures that is included in the Mine Emergency Response Plan (MERP) required under section 3.7.1 (2) (c) and that contains the following minimum components:
- (a) one or more maps showing potential impact zones and potentially affected infrastructure;
  - (b) emergency escalation levels detailing escalation triggers;
  - (c) stakeholders, potentially affected First Nations and community warnings and notifications;

- (d) emergency responses and procedures including evacuation of mine personnel;
  - (e) roles, responsibilities and contact information of key personnel.
- (2) The manager must ensure that testing of the Emergency Preparedness and Response Plan is conducted in accordance with the following:
- (a) functional tests of parts of the plan are conducted annually;
  - (b) a functional test of the full plan is conducted, at a minimum, every 3 years;
  - (c) reasonable efforts are made to include potentially affected communities and potentially affected First Nations in the testing under paragraphs (a) and (b).
- (3) The manager must ensure that
- (a) all identified issues or recommendations as a result of the testing under subsection (2) (a) and (b) are addressed, and
  - (b) the Emergency Preparedness Response Plan is kept up to date.
- (4) If, before the date this section comes into force, an Emergency Preparedness and Response Plan was made for a TSF or dam in accordance with section 10.4.2 (1) (e), as it read immediately before its repeal,
- (a) the manager must, before May 1, 2025, update the plan so that the requirements of subsection (1) of this section are met, and
  - (b) despite its repeal, section 10.4.2 (1) (e), as it read immediately before its repeal, continues to apply with respect to the plan until the earlier of the following:
    - (i) the plan has been updated in accordance with paragraph (a) of this subsection;
    - (ii) May 1, 2025.

### Climate Change

- 10.6.11** (1) The manager must engage qualified professionals to assess the hydrological and climate conditions, and other relevant conditions associated with climate change, for each TSF and dam at least every 5 years.
- (2) The climate change assessment described in subsection (1) must be reviewed by the engineer of record for the TSF or dam and incorporated into the design summary document as set out in section 10.5.4.

### Closure Design Report for a TSF or Dam

- 10.6.12** (1) The manager must ensure that, for each TSF or dam, the engineer of record develops a closure design report that shows how closure of the TSF or dam is feasible.

- (2) Despite subsection (1), if, on the date this subsection comes into force, a closure design report for each TSF and dam as described in subsection (1) has not already been submitted to the chief permitting officer under section 10.2.2 (i), the manager must, within 3 years after the date this subsection comes into force,
  - (a) ensure the engineer of record develops a closure design report for each TSF or dam in accordance with subsection (1), and
  - (b) provide each closure design report referred to in paragraph (a) of this subsection to the chief inspector.
- (3) The manager must ensure that each closure design report referred to in subsection (1) or (2) (a) is
  - (a) updated by the engineer of record at least every 5 years, and
  - (b) provided to the chief inspector by March 31 of the year following the update.
- (4) No less than 3 years prior to a planned closure of a TSF or dam, the manager must
  - (a) ensure that the engineer of record updates the closure design report for the TSF or dam that shows in detail
    - (i) how the TSF or dam will achieve closure, and
    - (ii) the schedule for implementation, and
  - (b) provide the closure design report to the chief inspector by March 31 of the year following the update.
- (5) If a closure design report is provided to the chief inspector under subsection (4) (b) and, subsequently, the permit respecting the TSF or dam is extended so that the planned closure date is 5 years or longer from the date the updated report is provided to the chief inspector, the manager may update and provide the closure design report of the TSF or dam in accordance with subsection (3) (a) and (b), until such time as subsection (4) applies with respect to the TSF or dam.
- (6) A closure design report developed or updated under this section must
  - (a) address the following:
    - (i) physical stability for potential long-term changes to slope stability, floods and water erosion, and other natural or mine-induced hazards;
    - (ii) long-term prevention, mitigation and management of metal leaching and acid rock drainage for the offsite release of mine-affected groundwater and surface water;
    - (iii) ecological and landform aspects that influence closure;
    - (iv) land and water use objectives,
  - (b) include the following:
    - (i) a design of permanent spillways and other necessary civil works;



- (ii) a cost estimate and schedule for implementation;
    - (iii) a long-term monitoring plan, and
  - (c) demonstrate how the TSF or dam will meet the criteria for final closure as set out in Table 10-4, subject to section 10.5.7 (6).
- (7) The manager must ensure that, in developing the land and water use objectives referred to in subsection (6) (a) (iv),
  - (a) reasonable efforts are made to engage with local communities and affected First Nations, and
  - (b) local Indigenous knowledge received under paragraph (a) is considered.
- (8) The manager must
  - (a) ensure that reasonable efforts are made to engage with each affected First Nation in order for each First Nation to identify if it wants to receive each closure design report developed or updated under this section, whichever is the most recent, and
  - (b) provide a copy of the most recent report to each First Nation that identifies under paragraph (a) of this subsection it wants to receive it, in accordance with the timeframe applicable with respect to the chief inspector.
- (9) If, on the date this section comes into force, the planned closure of a TSF or dam is less than 3 years, or a TSF or dam is inactive, the manager must,
  - (a) within 3 years after the date this section comes into force,
    - (i) ensure that the engineer of record updates the closure design report for the TSF or dam that shows in detail
      - (A) how the TSF or dam will achieve closure, and
      - (B) the schedule for implementation, and
    - (ii) provide the closure design report to the chief inspector by March 31 of the year following the update, and
  - (b) in meeting the requirements of paragraph (a) of this subsection, comply with subsections (6), (7) and (8).

#### **Closed Tailings Storage Facility or Dams**

- 10.6.13** (1) A tailings storage facility that has not been operated for a period of 12 or more months may be declared closed by the chief inspector.
- (2) If the chief inspector declares a TSF closed under subsection (1), the manager
- (a) must not reactivate the TSF unless the chief permitting officer grants another permit that allows the reactivation, and
  - (b) must not deposit tailings into the TSF unless the TSF has been reactivated in accordance with paragraph (a).

- (3) The manager of a TSF or dam that has achieved final closure and approval of the engineer of record may apply to the chief permitting officer for the release of permit obligations under the *Mines Act*.
- (4) If the manager of a TSF or dam has completed substantial work towards final closure of the TSF or dam but has not been granted release of permit obligations as referred to in subsection (3), the manager may apply for permit amendments to reduce requirements under this code related to the TSF or dam.
- (5) The manager must apply for a permit from the chief permitting officer when a closed TSF or dam is to be altered or used for some other purpose than storage of tailings.

### Waste Dumps, Pits and Underground

#### Major Dumps

- 10.7.1** (1) Major dumps must be operated and monitored in accordance with the Interim Guidelines of the British Columbia Mine Waste Rock Pile Research Committee.
- (2) The manager must annually provide to the chief inspector a document that describes the performance of high-risk dumps referred to in subsection (1), by March 31 of the following year.
  - (3) The manager must
    - (a) ensure that reasonable efforts are made to engage with each affected First Nation in order for each First Nation to identify if it wants to receive the document referred to in subsection (2), and
    - (b) provide a copy of the most recent document to each First Nation that identifies under paragraph (a) of this subsection that it wants to receive it, in accordance with the timeframe applicable with respect to the chief inspector.

#### Spontaneous Combustible Material

- 10.7.2** Material with a high probability of spontaneous combustion must be placed in a separate dump.

#### Materials Inventory

- 10.7.3** (1) Where required for the control of metal leaching and acid rock drainage, the owner, agent or manager must maintain an inventory of identified material that includes the following:
- (a) composition, mass, volume, surface area and storage locations;
  - (b) history and timing of excavation;
  - (c) monitoring data;
  - (d) any other information required by the chief inspector.

- (2) On closure, the manager must submit the material inventory to the chief inspector.

### **Excavations Near Property Boundaries**

- 10.7.4** The excavation of soil material, such as clay, silt, earth, sand or gravel, in a surface mine must not be carried on within a setback distance of at least 5 metres horizontal from the vertical plane of the property boundary, and
- (a) there must be no excavation of soil material below a surface sloping downwards into the property from the inside edge of the setback no steeper than 1.5 horizontal to 1 vertical, and
  - (b) material that sloughs from within this distance must not be removed without the written approval of the inspector.

### **Excavation Before April 1, 1997**

- 10.7.5** The chief inspector may direct that any excavation that exists in soil materials on or before April 1, 1997 will not be considered to be out of compliance for not meeting setback requirements providing that all further excavation is conducted in a manner consistent with the requirements of section 10.7.4.

### **Alternative Setbacks and Slopes**

- 10.7.6** Despite sections 10.7.4 and 10.7.5, the chief permitting officer may approve a mine plan, prepared by a professional engineer, with alternative setbacks and slopes that ensure that the property boundary will be adequately protected.

### **Rock Excavation**

- 10.7.7** Rock must not be excavated within a distance of 5 metres from the property boundary.

### **Waiver by Adjoining Property Owners**

- 10.7.8** The owners of adjoining properties may, by agreement in writing, waive the provisions of sections 10.7.4, 10.7.5 and 10.7.7.

## **Mine Closure**

### **Notice Required**

- 10.8.1** The owner, agent or manager must provide written notice of not less than 7 days to an inspector of intention to stop work in, on, or about a mine.

### **Cessation of Operations**

- 10.8.2** (1) If a mine ceases operation, the owner, agent or manager must
- (a) continue to carry out the conditions of the permit, and
  - (b) carry out a program of site monitoring and maintenance.

- (2) If a mine ceases operation for a period longer than one year, the owner, agent or manager must
  - (a) apply for an amendment to the permit setting out a revised program for approval by an inspector,
  - (b) identify the hazards and provide detailed engineered plans and drawings respecting the hazards to local emergency agencies, and update the drawings as required, and
  - (c) if practicable, make the plans and drawings available on site in a conspicuous location.

### Filing of Plans

- 10.8.3** (1) On the closure of a mine, the owner, agent or manager must, within 90 days, file with the chief inspector accurate drawings, on a scale consistent with good engineering practice, showing
- (a) on a plan view,
    - (i) the surface and underground workings of the mine up to the time of closure and the boundaries of the mineral claims, licenses or leases in which the workings are situated, and
    - (ii) identification of underground workings that come to within 25 metres of the surface,
  - (b) a general long section and several cross-section views of the surface and underground mine workings, and
  - (c) any other plans that may be requested by the chief inspector.
- (2) The filed plans must be preserved as a permanent record in the office of the chief inspector.

### Securing Openings

- 10.8.4** When a mine is closed for an indefinite period, or otherwise left unattended for any length of time, the owner, agent or manager must take all practicable measures to prevent inadvertent access to mine entrances, pits and openings that are dangerous by reason of their depth or otherwise, by unauthorized persons and ensure that the mine workings and fixtures remain secure.

### Major Dumps

- 10.8.5** The long-term stability of exposed slopes of any major dump must meet the criteria provided in the Interim Guidelines of the British Columbia Mine Waste Rock Pile Research Committee at the time of permitting or as amended by the chief inspector.

### Ongoing Management Requirements

- 10.8.6** Where a mine requires ongoing mitigation, monitoring or maintenance, the owner, agent or manager must submit a closure management manual that

- (a) describes and documents key aspects of the ongoing mitigation, monitoring and maintenance requirements, and
- (b) tracks important changes to components of the system that affect long-term mitigation, monitoring and maintenance requirements.

### Security

- 10.8.7** On the closure of a mine, and on the chief inspector being satisfied that some or all of the conditions of the permit have been complied with, the person who deposited a security under section 10 (4) or (5) of the *Mines Act* must be entitled to a refund of some or all of the security and any accumulated interest, less any amount paid out under section 10.1 (2) (c) of the *Mines Act*.

### Application for Security Release

- 10.8.8** An application for security release or a partial security release, that details the reclamation activities that have been completed under the requirements of the *Mines Act*, the code and approved reclamation plan, must be submitted to the chief inspector.

## Reclamation Standards

### Reclamation Defined

- 10.9.1** It is the duty of every owner, agent and manager to institute and, during the life of the mine, to carry out, a program of environmental protection and reclamation, in accordance with the standards described in sections 10.9.4 to 10.9.21.

### Pre-legislation Disturbances

- 10.9.2** Where environmental disturbance occurred at a site prior to the enactment of reclamation legislation in 1969, and has remained inactive since this time, the portion of environmental disturbance, which occurred before the enactment of reclamation legislation in 1969, is exempt from the re-vegetation provision.

### Exclusions

- 10.9.3** A reclamation standard prescribed under sections 10.9.4 to 10.9.21 does not apply if
- (a) a mine is specifically excluded by a condition of its permit from complying with a particular standard, or
  - (b) a disturbance created by a mining activity has been reclaimed, inspected and found to be satisfactory to an inspector.

### Land Use

- 10.9.4** The land surface must be reclaimed to an end land use approved by the chief permitting officer that considers previous and potential uses.

**Capability**

- 10.9.5** Excluding lands that are not to be reclaimed, the average land capability to be achieved on the remaining lands must not be less than the average that existed prior to mining, unless the land capability is not consistent with the approved end land use or compromises long-term physical or geochemical stability, or both.

**Long-term Stability**

- 10.9.6** Land, watercourses and access roads must be left in a manner that ensures long-term physical and geochemical stability.

**Re-vegetation**

- 10.9.7** On all lands to be re-vegetated, land must be re-vegetated to a self-sustaining state using appropriate plant species.

**Growth Medium**

- 10.9.8** On all lands to be re-vegetated,
- (a) the growth medium must satisfy land use, capability and water quality objectives, and
  - (b) all surficial soil materials removed for mining purposes must be saved for use in reclamation programs unless these objectives can be otherwise achieved.

**Landforms**

- 10.9.9** Where practicable, land and watercourses must be reclaimed in a manner that is consistent with the adjacent landforms.

**Structures and Equipment**

- 10.9.10** Prior to abandonment, and unless exempted by the chief inspector,
- (a) all machinery, equipment and building superstructures must be removed,
  - (b) concrete foundations must be covered and re-vegetated, and
  - (c) all scrap material must be disposed of in a manner acceptable to an inspector.

**Dumps**

- 10.9.11** Dumps must be reclaimed to ensure long-term stability and long-term erosion control.

**Watercourses**

- 10.9.12** Watercourses must be reclaimed to a condition that ensures
- (a) drainage is restored either to original watercourses or to new watercourses that will sustain themselves without maintenance, and

- (b) the level of productive capacity must not be less than existed prior to mining, unless the owner, agent or manager can provide evidence which demonstrates, to the satisfaction of the chief inspector, the impracticality of doing so.

### Open Pits

- 10.9.13** (1) Pit walls constructed in overburden must be reclaimed in the same manner as dumps unless an inspector is satisfied that to do so would be unsafe or conflict with other proposed land uses.
- (2) Pit walls, including benches constructed in rock, or steeply sloping footwalls, are not required to be re-vegetated.
- (3) Where the pit floor is free from water, and safely accessible, vegetation must be established.
- (4) Where the pit floor will impound water and is not part of a permanent water treatment system, provision must be made to create a body of water where use and productivity objectives are achieved.

### Blocking Access Road

- 10.9.14** All access roads to surface areas of the mine that may be dangerous must be effectively blocked to prevent inadvertent vehicular access.

### Securing Openings

- 10.9.15** (1) All shafts, raises, stope openings, adits or drifts opening to the surface must be either capped with a stopping of reinforced concrete or filled with material so that subsidence of the material will not pose a future hazard.
- (2) In the case of shafts or raises, the stopping must be
- (a) secured to solid rock or to a concrete collar secured to solid rock, and
  - (b) capable of supporting a uniformly distributed load of 12 kPa or a concentrated load of 24 kN, whichever is greater.
- (3) Where there is evidence of, or a potential for, use by wildlife, mine openings may be fitted with a barrier that allows wildlife passage but prevents human entry.

### Drains

- 10.9.16** When mine openings are permanently closed and where it may be possible for mine water to build dangerous pressures and cause a blow-out of the fill or concrete with sudden and dangerous force, a permanent and effective drain must be installed.

### Metal Uptake

- 10.9.17** When required by the chief inspector, vegetation must be monitored for metal uptake.

**Ecological Risk Assessment**

- 10.9.18** (1) When required by the chief inspector, the owner, agent or manager must commission an ecological risk assessment.
- (2) Where there is a significant ecological risk, reclamation procedures must ensure that levels are safe for plant and animal life and, where this cannot be achieved, other measures must be taken to protect plant and animal life.

**Disposal of Chemicals and Reagents**

- 10.9.19** Chemicals or reagents that cannot be returned to the manufacturer must be disposed of in compliance with municipal, regional, provincial and federal statutes.

**Water Quality**

- 10.9.20** If water quality from any component of the mine results in exceedances of applicable provincial water quality standards in the receiving environment, when required by the chief inspector, remediation strategies must be implemented for as long as is necessary to mitigate the problem.

**Monitoring**

- 10.9.21** The owner, agent or manager must undertake monitoring programs, as required by the chief inspector, to demonstrate that reclamation and environmental protection objectives including land use, productivity, water quality and stability of structures are being achieved.

**Release of Obligations**

- 10.9.22** If all conditions of the *Mines Act*, code and permit have been fulfilled to the satisfaction of the chief inspector and there are no ongoing inspection, monitoring, mitigation or maintenance requirements, the owner, agent or manager will be released from all further obligations under the *Mines Act*.



## THIS IS NOT A COMPREHENSIVE COMPILATION OF ALL CODE REQUIREMENTS.

**Abandoned Mine or Old Workings***see also Reclamation and Closure*

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# MINISTRY OF ENERGY, MINES AND LOW CARBON INNOVATION

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