

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

167

, Approved and Ordered

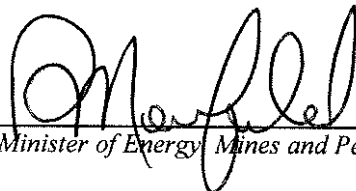
MAR 13 2008



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the amendments to the Health, Safety and Reclamation Code for Mines in British Columbia, as prepared by the Health, Safety and Reclamation Committee and set out in the attached Schedule, are approved.



Minister of Energy, Mines and Petroleum Resources



Presiding Member of the Executive Council

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

Authority under which Order is made:

Act and section:- *Mines Act, R.S.B.C. 1996, c. 293, section 34*

Other (specify):- *oics 519/98 and 283/2003*

March 10, 2008

Resub-O61/2008/48

SCHEDULE

1 **Section 1.3.2 of the Health, Safety and Reclamation Code for Mines in British Columbia is amended by striking out** “to the mine.” **and substituting** “to the mine by the manager and, for non-operating mines, the contact information of a qualified person shall be included in the notice.”.

2 **Section 1.7.1 is repealed and the following substituted:**

Manager’s Responsibility

1.7.1 (1) In the event of

- (a) any accident resulting in loss of life, or
- (b) any dangerous occurrence as specified in section 1.7.3,

the manager shall inform an inspector, the OHSC, and the local union or worker representative as soon as practicable, but no later than 4 hours after an event under paragraph (a) or 16 hours after an event under paragraph (b), and within one week send a written notification to an inspector for an event under paragraph (a) or (b).

- (2) In the case of any accident resulting in a worker seeking medical aid, the manager shall provide a monthly report to an inspector, the OHSC, and the local union or worker representative.
- (3) For an event under section 1.7.1 (1) (a) or (b) the manager shall ensure that, except for the purpose of saving life or relieving human suffering, the scene of the accident or occurrence is not disturbed without approval of
 - (a) the OHSC,
 - (b) an inspector, or
 - (c) in the case of a fatal accident, the chief inspector.
- (4) The manager shall ensure that an investigation is carried out by persons knowledgeable in the type of work involved as well as the co-chairpersons of the OHSC or their designates.

3 **The definition of “Confined Space” in Part 3 - Personnel Safety and Emergency Preparedness, is repealed and the following substituted:**

“Confined Space” means an area, other than an underground working, that includes all of the following:

- (a) is enclosed or partially enclosed;
- (b) is not designed or intended for continuous human occupancy;
- (c) has limited or restricted means for entry or exit that may complicate the provision of first aid, evacuation, rescue or other emergency response service;
- (d) is large enough and so configured that a worker could enter to perform assigned work.

4 **Section 3.2.2 (1) is amended by striking out** “a system” **and substituting** “an effective system”.

5 ***Sections 3.4.1 to 3.4.4 are repealed and the following substituted.***

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 (1) 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 to which it applies,
 - (iii) the workers who are inside the space,
 - (iv) the required precautions for the space,
 - (v) the time of expiration of the permit, and
 - (vi) 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-Z180.1M85 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 4.1.1; 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).

6 *Section 3.4.5 (2) is amended by striking out "18%" and substituting "19.5%".*

7 *Section 3.4.6 is repealed and the following substituted:*

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 a 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.

8 *The following section is added:*

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.

9 *Section 10.6.2 is repealed and the following substituted:*

10.6.2 (1) If a mine ceases operation, the owner, agent or manager shall

- (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 shall
- (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 drawings respecting such hazards to local emergency agencies, and update the drawings as required, and
 - (c) if practicable, make such plans available on site at a conspicuous location.