

### Summary of changes to *General Regulation 91-191* Phase 3

This resource provides a quick reference for changes to the *General Regulation 91-191* that came into effect on July 9, 2024. The official version of the Regulation can be found on our website <https://www.worksafenb.ca/policy-and-legal/legal/acts-and-regulations/>. If there is a difference between this resource and the official Regulation, the Regulation is considered correct.

For questions on this or other health and safety regulations contact the Prevention Division at [prevention@ws-ts.nb.ca](mailto:prevention@ws-ts.nb.ca)

#### Definitions

*Note: these definitions have either been revised or added. Changes are indicated in green text.*

“**blaster**” means a person who holds a valid certificate of qualification in the blaster occupation or powderman trade issued under the Apprenticeship and Occupational Certification Act or a person who conducts a specialized blasting operation;

“**blasting operation**” means an operation using explosives which extends from the time explosives arrive at a place of employment to the time all explosives are used or removed from the place of employment and includes a specialized blasting operation;

“**bracket scaffold**” means a scaffold consisting of a work-platform that is supported by metal brackets and attached to a structural wall;

“**day box**” means a portable unit used for storing explosives

“**fisher**” means, in a place of employment that is a fishing vessel, the owner of the fishing vessel, the employer, the supervisor, or an employee;

“**engineer**” means a person who is registered as a member or is a licensee of the Association of Professional Engineers and Geoscientists of New Brunswick and is entitled to engage in the practice of professional engineering under the Engineering and Geoscience Professions Act;

“**explosive**” means a substance that is made, manufactured or used to produce an explosion or detonation and includes black powder, propellant powders, blasting agents, dynamite, detonating cord, slurry, watergel, emulsions and detonators;

“**IEC**” means the International Electrotechnical Commission;

“**IESNA**” means the Illuminating Engineering Society of North America;

“**ISEA**” means the International Safety Equipment Association;

“**manufactured scaffold plank**” means any scaffold platform materials other than sawn lumber planks;

“**rope access work**” means work that involves rope based techniques for gaining access to, or working in, a work area that is difficult or impossible to access by other means

“specialized blasting operation” means blasting of any of the following types:

- (a) seismic;
- (b) perforation;
- (c) blasting in a confined space;
- (d) blasting underwater;
- (e) blasting to demolish an above-ground building, stack or similar structure;
- (f) blasting ice;
- (g) blasting in theatrical applications; and (h) blasting in or near an oil or gas well

“**tilt-up construction**” means a system of building construction in which concrete wall panels are placed in a vertical position in the permanent structure and are temporarily braced or supported;

## Part II- Sanitation and Accommodation

### *Subsection revised*

#### **Drinking water**

**4(1)** An employer shall ensure that sufficient potable water for drinking is readily available and that it meets the standards set out in the requirements set out in the Clean Water Act.

#### **Toilets**

### *New subsection added*

**5(2.1)** Despite subsection (1), if the toilets are of a chemical, self-contained portable or other similar type, an employer shall provide a minimum number of toilets determined according to the maximum number of employees who are normally employed at any one time at the same place of employment as follows:

- (a) when the number of employees does not exceed nine, one toilet;
  - (b) when the number of employees exceeds nine but does not exceed 24, two toilets;
  - (c) when the number of employees exceeds 24 but does not exceed 49, three toilets;
  - (d) when the number of employees exceeds 49 but does not exceed 74, four toilets;
  - (e) when the number of employees exceeds 74 but does not exceed 100, five toilets;
- and

- (f) when the number of employees exceeds 100, five toilets and one toilet for every 30 employees in excess of 100

*Subsection 5(3) repealed*

*Subsection revised:*

**5(6)** As soon as work has started on a project site, the contractor or, if there is no contractor, the owner shall provide toilets in accordance with subsection (1) or (2.1), as the case may be.

### **Washrooms**

*Subsection revised:*

**6(1)** An employer shall provide at least one wash basin or equivalent hand cleaning facility in a room with one or two toilets or urinals and an additional wash basin or equivalent hand cleaning facility in the room for each two additional toilets or urinals.

### **Eating area**

*Paragraphs b and c revised:*

**7(2) (b)** if the eating area is located indoors, is adequately provided with

- (i) light, heat and ventilation,
- (ii) hand cleaning and drying facilities,
- (iii) tables and seating sufficient for the number of employees who use the eating area at any one time, and
- (iv) garbage receptacles.

(c) if the eating area is located outdoors, is adequately provided with

- (i) hand cleaning and drying facilities, and
- (ii) garbage receptacles.

### **Work clothes**

*Subsection revised:*

**9(2)** Where an employee's work clothes are liable to be contaminated by a hazardous substance so that the health of the employee or other persons may be adversely affected by exposure to the clothes when contaminated, an employer shall

*New paragraph added:*

**(b.1)** ensure the storage for the employee's street clothes and work clothes is not located in the eating area

## Showers

*Subsection revised:*

**10(1)** Where an employee may be exposed to **hazardous substance** or may be exposed to high levels of heat or humidity so that the health of the employee may be adversely affected, an employer shall provide a shower facility

## Emergency shower and Eyewash

*Update to standard:*

**11(2)** An employer shall ensure that an emergency shower or eyewash fountain provided under subsection (1) complies with the requirements of **ANSI/ISEA standard Z358.1-2009, American National Standard for Emergency Eyewash and Shower Equipment** or a standard offering equivalent or better protection.

## Part IV Illumination:

### Amount and standards

*Update to standards:*

**26(2)** An employer shall use one of the following ANSI standards, where applicable, to determine the lighting required by subsection (1)

- (a) **ANSI/IESNA RP-7-01, Recommended Practice for Lighting Industrial Facilities** or a standard offering equivalent or better protection.
- (b) **ANSI/IESNA RP3-00, Recommended Practice on Lighting for Educational Facilities** or a standard offering equivalent or better protection; or
- (c) **ANSI/IESNA RP-1-04, American National Standard Practice for Office Lighting** or standard offering equivalent or better protection

### Failure of lighting system

*Subsection revised*

**27(2)** An employer shall ensure that the emergency lighting referred to in subsection (1) is **tested every month or at a frequency specified by the manufacturer** to ensure that it will function in an emergency

*Section 28 repealed*

## Part V Noise

*Subsection revised and update to standard (previously ANSI)*

**29(1)** If an employer or an employee has reason to suspect that the noise level in a work area may exceed 80 dBA, an employer shall ensure that the noise level is measured by a competent person in accordance with CSA standard Z107.56-06 (R2011), Procedures for the measurement of occupational noise exposure or a standard offering equivalent or better protection

*New section added*

### **Hearing conservation code of practice**

**29.1(1)** If the noise exposure in a work area exceeds or is believed to exceed the noise exposure limits set out in section 30, an employer shall ensure that a code of practice concerning hearing conservation is established for the work area.

**29.1(2)** An employer shall consult with a committee or health and safety representative, if any, or with employees if there is no committee or representative, in developing the code of practice.

**29.1(3)** The code of practice shall contain information concerning the following:

- (a) the noise level to which employees will be exposed;
- (b) the location of the work area to which the code of practice applies;
- (c) the implementation of noise control measures including measures that involve the use of engineering controls to reduce noise exposure;
- (d) the selection, use and maintenance of hearing protective equipment;
- (e) the methods and procedures to be used to train employees in the hazards of excessive exposure to noise and the correct use of control measures and hearing protective equipment;
- (f) the posting of signs in the work area identifying the noise hazard and the precautions required; and
- (g) the requirements for hearing tests.

**29.1(4)** An employee shall comply with the code of practice, and an employer shall ensure that employees comply with the code of practice.

**29.1(5)** An employer shall ensure that a copy of the code of practice is made available to an officer on request.

**29.1(6)** An employer shall review the code of practice at least once each year in consultation with

- (a) the committee, if any
- (b) a health and safety representative, if any, or

(c) if there is no committee or representative, employees.

**29.1(7)** An employer shall update the codes of practice

- (a) when there is a change in condition at the work area, or
- (b) when ordered to do so by an officer.

### **Hearing tests**

**29.2(1)** An employer shall provide a hearing test to employees who are exposed to noise that exceeds the noise exposure limits set out in section 30

- (a) as soon as the circumstances permit after employment starts, but not later than six months after the start of employment, and
- (b) at least once every 24 months after the initial test.

**29.2(2)** Hearing tests shall be administered by

- (a) an audiologist who is registered with the New Brunswick Association of Speech-Language Pathologists and Audiologists (NBASLPA), or
- (b) a person who successfully completed a training course referred to in clause 6 of CSA standard Z-107.6:16 (R2020), Audiometric testing for use in hearing loss prevention programs or a standard offering equivalent or better protection.

### **Records re hearing tests**

**29.3** An employer shall keep records of

- (a) the hearing test results for each employee and the result shall
  - (i) be kept as long as the employee is employed by the employer,
  - (ii) be made available to an officer on request, and
  - (iii) be kept confidential and not released to anyone other than an officer without the written permission of the employee, or as otherwise required by law
- (b) the instruction and training provided by the employer to employees concerning the hazards of excessive exposure to noise and the correct use of control measures and hearing protective equipment, and
- (c) the noise level measurements taken in accordance with section 29

*Subsection 30(2) repealed*

*Subsection revised:*

### **Maximum exposure of employee to noise**

**30(3)** An employer shall ensure that no employee is exposed to continuous, intermittent or impact noise in excess of a peak **A-weighted** level of 140 dB, using a Type 2 sound level meter that is set to use the A-weighted network with slow meter response

## Part VI Non-Ionizing Radiation

### Laser Radiation

*New subsections added:*

**34(1)** In industries other than medical industries, an employer shall ensure that laser equipment is operated and used in accordance with the following standards:

- (a) ANSI Z136.1-2007, American National Standard for Safe Use of Lasers or a standard offering equivalent or better protection;
- (b) ANSI Z136.4-2005, Recommended Practice for Laser Safety Measurements for Hazard Evaluation or a standard offering equivalent or better protection;
- (c) ANSI Z136.5- 2020, Safe Use of Lasers in Educational Institutions or a standard offering equivalent or better protection;
- (d) ANSI Z136.6-2005, Safe Use of Lasers Outdoors or a standard offering equivalent or better protection; and
- (e) ANSI Z136.7-2008, American National Standard for Testing and Labelling of Laser Protective Equipment or a standard offering equivalent or better protection

**34(2)** In medical industries, an employer shall ensure that laser equipment is operated and used in accordance with the following standards:

- (a) CSA standard CAN/CSA-C22.2 No. 60601-2-22-01 (R2005), Medical electrical equipment - Part 2: Particular requirements for the safety of diagnostic and therapeutic laser equipment (Adopted CEI/IEC 601-2-22:1995, second edition, 1995-11) or a standard offering equivalent or better protection; and
- (b) CSA standard Z386:20, Safe use of lasers in health care or a standard offering equivalent or better protection.

*Subsections revised:*

### Radiofrequency radiation

**37(1)** An employer shall ensure that the installation and use of a radiation emitting device in the frequency range 3 kHz to 300 GHz conforms to the requirements of Safety Code 6: “Limits of Human Exposure to Radiofrequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHZ”, published by the Minister of Health Canada and amended from time to time

**37(2)** An employer shall ensure that the exposure of an employee or other person to radiofrequency radiation at frequencies from 3 kHz to 300 GHz does not exceed the limits set out in the safety code referred to in subsection (1).

## Part VII - Protective Equipment

*Subsection revised:*

### Duty to supply, train and use

**38(1)** Where protective equipment is required to be used by an employee under this Regulation, an employer shall provide the protective equipment required and shall ensure that the employee is instructed and trained on how to use, care for and inspect the protective equipment in accordance with the manufacturer's specifications.

*Subsection revised:*

### Head Protection

**40(1)** On a project site, an employee shall use Class E, **Type 2** headwear that conforms to CSA standard CSA Z94.1-15, "Industrial protective headwear – Performance, selection, care, and use" or a standard offering equivalent or better protection.

*New subsections added:*

**40(3)** An employer shall provide the safety headwear referred to in subsections (1) and (2) to employees and shall ensure that employees wear the headwear.

**40(4)** The safety headwear shall be equipped with a retention system to secure the safety headwear to the employee's head when the employee is working in conditions that may cause loss of the headwear.

*Paragraphs revised:*

**42** Where an employee is exposed to a hazard that may injure the skin, the employee shall use, as necessary

(b) adequate protective footwear,

(d) repealed

*Subsections revised, new subsection added:*



## Respiratory Protective Equipment

**45(1)** An employer shall ensure that a code of practice concerning respiratory protective equipment is established for a place of employment at which the use of respiratory protective equipment is required.

**45(1.1)** The code of practice referred to in subsection (1) shall contain the following information:

- (a) the name of the employee responsible for implementing the code of practice;
- (b) a description of the respiratory protective equipment to be used to protect the health and safety of employees;
- (c) a description of any possible hazards that may affect the health or safety of employees;
- (d) the requirements for the proper selection, care, use, maintenance and fitting of the respiratory protective equipment;
- (e) the training requirements for employees who use respiratory protective equipment;
- (f) the record keeping requirements; and
- (g) the frequency by which the code of practice is to be reviewed.

**45(2)** An employer shall comply with CSA standard Z94.4-11(R2016), Selection, Use, and Care of Respirators or a standard offering equivalent or better protection in developing the code of practice.

*Subsection 45(3) repealed*

*Subsections 46(1) and 46(2) repealed*

## Effective facial seal when using equipment

*Section revised:*

**47** An employee who may be required to use respiratory protective equipment shall, for the purpose of ensuring that the equipment fits effectively, cooperate with any person identified in the code of practice referred to in section 45 and, if a tight fit is essential to the proper functioning of the equipment, be as clean shaven as is necessary to ensure an effective seal to the facial skin of the employee.

## Hearing protective equipment

*Update standard:*

**48(1)** An employer shall ensure that hearing protective equipment conforms to CSA standard CSA Z94.2- 14 (R2019), Hearing protection devices – Performance, selection, care, and use or a standard offering equivalent protection

## **Fall-protection system**

*New paragraph added:*

**49.1(2)** For the purposes of paragraph (1)(c), the following CSA standards apply:

(i.1) Z259.15-12 (R2016), Anchorage connector, or a standard offering equivalent or better protection;

## **Fall-protection code of practice**

*New paragraph added:*

**50.2(1)** An employer and a contractor shall each ensure that a fall-protection code of practice is written for a workplace if a fall-protection system is required for the place of employment and

(a.1) the employees are performing rope access work other than rope access work for emergency rescue purpose

## **Water and other liquid safety**

All definitions in this section have changed “an employee / employee” to “a person / person”

*New subsection added:*

**51(2.1)** If a place of employment is a fishing vessel that has no deck or deck structure,

(a) the owner of the place of employment and the employer shall each ensure that a fisher on board the fishing vessel wears a life jacket or flotation device referred to in paragraph (2)(b), (c) or (d), and

(b) a fisher on board the fishing vessel shall wear a life jacket or flotation device referred to in paragraph (2)(b), (c) or (d)

*Subsection revised:*

**51.6(5)** An employer shall ensure that CSA standard Z94.4-11(R2016), Selection, Use, and Care of Respirators, is followed concerning

## **PART VIII- Handling and Storage of Materials**

### **Containers- Liquid hazardous substance**

*Section repealed, new subsections added:*

**64(1)** An employer shall ensure that a container is examined and found to be in good condition before the container is filled with a liquid hazardous substance.

**64(2)** An employer shall ensure that a container that has contained or is suspected to have contained a liquid hazardous substance is adequately cleaned unless it is rendered unusable.

*Section 65 repealed*

*Section revised, new paragraphs added:*

**66** An employer shall ensure that a hazardous substance

- (a) is stored, used and handled so as to protect the health and safety of employees, using information available on a safety data sheet or obtained from the supplier or another reliable source,
- (b) is transported to and from a storage area using equipment designed for the purpose and
- (c) is emptied using equipment designed for the purpose

*Section 67 repealed*

### **General employer responsibilities for hazardous substances**

*Paragraph revised, new paragraph added*

**69** An employer shall ensure that (a) only working quantities of hazardous substances are kept in areas where employees are working,

(b) emergency equipment and material appropriate to be used in the event of escape or spill of a hazardous substance are readily available,

(b.1) a storage area for a hazardous substance is clearly identified by a placard that meets the standards set out in the “National Fire Code of Canada 2010”,

### **Storage batteries**

*Paragraph revised:*

**70(2)** An employer shall ensure that the room or area referred to in subsection (1)

- g)** complies with Rules 26-500 to 26-514 of CSA standard C22.1 -18, Canadian Electrical Code” - Part I, as amended,

*Subsection revised:*

**71(2)** An employer shall provide acid resistive gloves and aprons and either goggles or face shields and straps for carrying storage batteries to an employee handling storage batteries

or electrolyte and shall ensure that the employee handling storage batteries or electrolyte uses the protective equipment provided.

### **Portable compressed gas containers**

*Updated standards:*

**74** An employer shall ensure that a portable compressed gas container for medical use is colour-marked in accordance with the Compressed Gas Association standard **CGA standard C-9-2013, Standard Color Marking of Compressed Gas Containers Intended for Medical Use – 5th Edition** or a standard offering equivalent or better protection.

**75(2)** In complying with subsection (1), an employer shall use as a guide

- c)** the safe handling rules in **CGA standard P-1-2008, Safe Handling of Compressed Gases in Containers – Eleventh Edition** or a standard offering equivalent or better protection.

*Paragraph revised, new paragraph added:*

**78(2)** An employer shall ensure that

- (d)** Check valves and flashback arrestors for a portable compressed gas container are installed as close as possible to fuel gas and oxygen regulators, and
- (e)** **CSA standard W117.2-12 (R2017), Safety in Welding, Cutting and Allied Processes** or a standard offering equivalent or better protection is used as a guide to determine the best location for check valves and flashback arresters.

*Updated standard:*

**79(1)** An employer shall ensure that hose lines for conveying flammable gas or oxygen from supply piping or cylinders to torches have threads designed in accordance with the **CGA standard V1-2005, Standard for Compressed Gas Cylinder Valve Outlet and Inlet Connections** or a standard offering equivalent or better protection.

**79(2)** An employer and employee shall each ensure that hose lines for conveying flammable gas or oxygen from supply piping or cylinders to torches are spliced if necessary, in accordance with **CGA standard P-1-2008, Safe Handling of Compressed Gases in Containers – Eleventh Edition** or a standard offering equivalent or better protection.

## **PART IX - TOOLS**

## General duties of employer

*New paragraph added:*

**81** An employer shall ensure that

(a.1) employees comply with the manufacturer's specifications when using tools,

## Portable power-operated hand tools

*Paragraph revised:*

**83** An employer shall ensure that

(b) an electric portable power-operated hand tool is double insulated or bonded to ground or, if it is not double insulated and it is not practical to bond to ground, is equipped with a double insulated portable ground fault circuit interrupter of the class A type,

## Powder actuated tools

*New section added:*

### Abrasive Blasting and High Pressure Washing Tools - Gun controls

**89.1(1)** An employer shall ensure that the operating controls of a sandblasting or jetting gun are

- (a) located near the nozzle where the employee's hands will be when using the device,
- (b) of the continuous pressure type that immediately stops the flow of material when released, and
- (c) protected from inadvertent activation.

**89.1(2)** No hose, fitting or other component of a sandblasting or jetting gun shall be used at a pressure higher than the pressure rating specified by the manufacturer.

**89.1(3)** Any high pressure hose, pipe or fitting of a sandblasting or jetting gun shall be supported or restrained against excessive sway, movement and flailing.

**89.1(4)** An object shall not be handheld while it is cleaned or cut by a sandblasting or jetting gun.

**89.1(5)** A jetting gun may only be modified as authorized by the manufacturer.

## Part X

### Traffic safety – When signallers required

*Subsection revised:*

**91(2)** An employer shall provide high visibility safety apparel that meets the requirements of CSA standard Z96-15 (R2020), High-visibility safety apparel or a standard offering equivalent or better protection to any employee who is exposed to a risk of injury from vehicular traffic, powered mobile equipment, industrial lift trucks or mobile cranes and the employee shall wear the apparel.

### Formwork and shoring

*New subsections added:*

**94.1(1.1)** An employer shall ensure that concrete pumps and placing booms that are used to make formwork are installed, erected, inspected, operated and maintained in accordance with CSA standard Z151-09 (R2014), Concrete pumps and placing booms or a standard offering equivalent or better protection.

**94.1(4.1)** If an object protruding from concrete or any other surface may endanger an employee, the protrusion shall be removed, cut off at the surface or otherwise protected as soon as the circumstances permit.

### Structural framework

*Subsection revised:*

**94.2(1)** Where structural framework is being erected using structural steel or tilt-up construction, an employer shall ensure:

### Construction of buildings and structures

*Subsection revised, new paragraph added:*

**95(1)** Where a building or structure is being constructed, an employer and a contractor shall each ensure that

(b) an unstable wall of brick, concrete blocks or similar materials is adequately braced from both sides until the wall is attached to a rigid structure and the mortar has set adequately, and

(c) an unstable wall or structure designed to support roof components, or any load is braced from both sides until the free standing the wall or structure is stabilized, and

(d) an unstable reinforced steel wall, pier, column or similar vertical structure is adequately supported to prevent the wall, pier, column or structure from overturning or collapsing.

### **Fixed ladders**

*New paragraph added:*

**121(1)** (f.1) is placed in such a way that an adequate landing surface that is clear of obstructions is available at the top and bottom of the ladder for access and egress,

*New section added:*

### **Demolition**

#### **Structural integrity**

**121.1(1)** If the demolition of a building or structure may result in the compromised integrity of any adjoining building or structure, an employer and a contractor shall each ensure that the adjoining buildings or structures are supported by a support system approved by an engineer.

**121.1(2)** The design of a support system referred in subsection (1) shall include a schedule for the installation of the components of the support system that is based on the stages of demolition, and a copy of the design plan shall be made available to an officer on request.

**121.1(3)** If salvage is taking place before or during the demolition, the integrity of the building or structure shall be maintained.

**121.1(4)** If a dangerous or unstable wall is to be left standing, the wall shall be adequately braced.,

**121.1(5)** During the demolition, materials of a size or weight that may endanger employees shall not be loosened or allowed to fall unless procedures are used that will adequately protect the employees.

**121.1(6)** If the nature and method of the demolition will not endanger employees and will not compromise the stability of adjoining buildings or structures, the building or structure and adjoining buildings or structures are not required to be supported by a support system referred to in subsection (1).

#### **Hazardous material**

**121.2(1)** Before work begins on a demolition of a building or structure, the owner of the building or structure, the employer and the contractor shall each ensure that a competent person inspects the site to identify any hazardous substances or any material containing a hazardous substance that may be handled, disturbed, or removed and prepares an

inspection report, and, if any hazardous substances or materials containing a hazardous substance are identified, any drawings, plans or specifications showing their location.

**121.2(2)** The owner of the building or structure, the employer and the contractor shall each ensure that the inspection report and drawings, plans or specifications, if any, are made available to an officer on request.

**121.2(3)** If hazardous substances or materials containing a hazardous substance are not identified during the inspection referred to in subsection (1) but are discovered during the demolition, the owner of the building or structure, the employer and the contractor shall ensure that all work ceases until they are safely contained or removed.

### **Glass removal**

**121.3** If glass in a building or structure could endanger employees, an employer and a contractor shall each ensure that before the demolition begins, glass is removed in an orderly manner from the top to the bottom of the building or structure. Disconnecting utilities  
**121.4** An employer and a contractor shall each ensure that the demolition does not begin until all private and public utilities which may endanger an employee have been disconnected in the manner required by the owner of the applicable utility.

### **Protection from falling objects**

**121.5(1)** If material is being dropped or thrown from upper floors during the demolition, an employer and a contractor shall each ensure that the area into which the material will fall is barricaded to prevent employees from entering the area and conspicuous warning signs are displayed to advise of the danger.

**121.5(2)** If falling material could endanger an employee, an employer and a contractor shall each ensure that (a) the danger area is protected by adequate canopies or barricaded to prevent employees from entering the area, and (b) any floor or roof opening through which material may fall during the demolition and endanger employees is adequately covered.

### **Stairways**

**121.6** An employer and a contractor shall each ensure that stairways, complete with handrails, are left intact during the demolition until access to the level they serve is no longer required.



## PART XI

### Temporary Structures

#### Portable ladders

*Updated standards:*

**124(1)** An employer shall ensure that a portable ladder complies with and is used in accordance with either of the following standards:

- (a) CSA standard Z11-12 (R2017), Portable ladders or a standard offering equivalent or better protection; or
- (b) ANSI standard ANSI-ASC A-14.7-2011, Safety Requirements for Mobile Ladder Stands and Mobile Ladder Stand Platforms or a standard offering equivalent or better protection.

*Subsection revised:*

#### Measurements of lumber

**127** Measurements of lumber in sections 131 to 142, other than measurements for sawn lumber planks, are nominal.

*Section 128 repealed*

#### Elevating work platforms

*Update standards:*

**130(1)** An employer shall ensure that an elevating work platform is designed, constructed, erected, maintained, inspected, monitored and used in accordance with the following CSA standards, where applicable:

- (a) CAN/CSA-B354.1-04 (R2016), Portable elevating work platforms or a standard offering equivalent or better protection;
- (b) CAN/CSA-B354.2-01 (R2013), Self-Propelled Elevating Work Platforms or a standard offering equivalent or better protection; and
- (c) repealed
- (d) CAN/CSA B354.4-02 (R2013), Self-propelled boom-supported elevating work platforms or a standard offering equivalent or better protection

*Subsection revised:*

**130(2)** If an employee is required to work from an elevating work platform described in paragraph (1)(b), the employer shall provide and the employee shall continually use a travel

restraint system or fall-arresting system attached to an anchor point on the elevating work platform.

### **Scaffolds – specifications**

*Paragraphs revised, new paragraph added:*

131(1) An employer and a contractor shall each ensure that a scaffold

- (d) if 3 m or more in height, has a guardrail that meets the requirements of section 97,
- (h) If sawn lumber planks are used as a platform, has a platform that is at least 500 mm wide, and
- (i) if using manufactured scaffold planks, has a platform that is at least 450 mm wide.

*New section added:*

### **Scaffolds – employee requirements**

**131.1** An employee who uses a scaffold shall

- (a) visually inspect the scaffold before each use, and
- (b) report to the employer any situation or condition that may make the scaffold unsafe to use and, if necessary, not use the scaffold.

### **Sawn lumber planks**

*Section revised, new paragraphs added:*

**132** An employer and a contractor shall each ensure that a sawn lumber plank in a scaffold

- (a) is at least 50 mm thick by 250 mm wide rough sawn lumber,
- (a.1) is made of No. 2 grade or better spruce, pine or fir,
- (a.2) is not painted other than by being preserved with a transparent protective coating,
- (a.3) is inspected by a competent person before each use to determine the integrity of the plank,

*New section added:*

### **Manufactured scaffold planks**

**132.1** An employer and a contractor shall each ensure that a manufactured scaffold plank

- (a) is used in accordance with the manufacturer's specifications,
- (b) has a span not longer than 3 m,
- (c) is secured to prevent movement in any direction that may endanger an employee, and

(d) has a slip-resistant surface.

### **Metal scaffolds**

*Paragraph revised:*

**136(1)** An employer shall ensure that a metal scaffold

(c) if 6 m or greater in height, is equipped with a continuous access stairway commencing at ground level or, if the circumstances do not permit for the metal scaffold to be equipped with a continuous access stairway, with a continuous access ladder commencing at ground level.

### **Mobile rolling scaffolds**

*Paragraph revised:*

140(1) An employer shall ensure that a mobile rolling scaffold

(d) has lockable wheels that are locked while the mobile rolling scaffold is in use, and

*New section added:*

### **Bracket Scaffolds**

**140.01(1)** An employer shall ensure that the metal brackets of a bracket scaffold are not more than 3 m apart and are securely attached to prevent the brackets from dislodging.

**140.01(2)** An employer shall ensure that a bracket scaffold is erected, installed, assembled, used, stored, serviced, tested, cleaned, adjusted, maintained, repaired, inspected and dismantled in accordance with the manufacturer's specifications or, if the scaffold is designed by an engineer, in accordance with the design.

### **Suspended Work Platform**

*New subsection added:*

**141(1.2)** An owner of a fixed suspended work platform, an employer and a contractor shall each ensure that any modifications or repairs to the fixed suspended work platform are certified by an engineer.

*Subsection revised, new paragraphs added:*

**141(3)** An employer shall ensure that the planks of a fixed suspended work platform meet the following requirements:

(a) if the planks are made of sawn lumber, they

- (i) are of at least 50 mm thick by 250 mm wide and are supported at intervals not exceeding 3 m,
  - (ii) overlap the supporting ledgers at each end by at least 300mm, and
  - (iii) are laid tightly together and secured to prevent movement in any direction, and
  - (iv) are capable of supporting a minimum live load of 1.1 kN per employee on the platform; and
- (b) if the planks are made of manufactured scaffold planks, they
- (i) are used in accordance with the manufacturer's specifications,
  - (ii) have a span not longer than 3 m,
  - (iii) are secured to prevent movement in any direction that may endanger an employee, and
  - (iv) have a slip-resistant surface

## PART XII EXPLOSIVES

### Blasting operation

*Subsection revised, new subsection added:*

**147(1)** An employer shall ensure that a blasting operation is conducted by a blaster who holds an appropriate certificate of qualification issued under the Apprenticeship and Occupational Certification Act for the work involved.

**147(1.1)** Despite subsection (1), a blaster who does not hold an appropriate certificate of qualification issued under the Apprenticeship and Occupational Certification Act may conduct a specialized blasting operation if the employer ensures that the blaster is competent to do the work, and the employer shall maintain any record demonstrating the blaster's competency for at least three years after the specialized blasting operation is completed.

*Subsection 148(2) and 148(3) repealed*

*New section added:*

### Seismic blasting operation

**150.1(1)** An employer shall ensure that only biodegradable electronic explosives are used in a seismic blasting operation.

**150.1(2)** If a seismic blasting operation is carried out in an isolated location, loaded holes may be left unattended only if a blaster has ensured that

- (a) the leg wires of the detonator are folded and shunted, the drill cuttings are spread out and levelled and the leg wires are coiled as close to the ground as possible while never exceeding 15 cm above the ground level, and
- (b) the holes are suitably identified, recorded in the blasting log and blasted within 30 days after they are loaded.

**150.1(3)** If a blaster can confirm complete detonation of explosives in a seismic blasting operation, the firing line may be left connected to the firing switch and disconnected at the hole.

**150.1(4)** A misfired charge in a seismic blasting operation may be left unfired only if

- (a) the charge is in an isolated location at a depth sufficient to minimize the risk of injury to employees or other persons and cannot be conventionally and safely detonated, and
- (b) the location of the charge is effectively marked and the employer keeps a permanent record of the location.

### **Transporting electrical detonators**

*Subsection revised:*

**152** Where it is necessary to transport electrical detonators in a vehicle equipped with a radio transmitter, an employer shall ensure that

- (a) the detonators are transported in a package in accordance with the requirements set out in the Explosives Act (Canada) and the regulations under that Act,
- (b) the radio transmitter is switched off whenever the package is open or, if the circumstances do not permit the radio transmitter to be switched off, the radio transmitter meets the requirements established by the Institute of Makers of Explosives in its publication entitled “Safety Guide for Prevention of Radio Frequency Radiation Hazards in the Use of Commercial Electric Detonators (Blasting Caps)” (December 2011), as amended, and
- (c) the detonators are transported in their original packages with their leg wires folded and shunted, as shipped by the supplier.

### **Explosives and detonators**

*Subsection revised:*

**153(1)** If explosives are unloaded from a transport vehicle and are to be used the same day, an employer shall ensure that blasting explosives and detonator products

(b) are locked in separate day boxes that are manufactured to be sufficient to protect a person from injury or are certified by an engineer as being sufficient to protect a person from injury.

### **Precautions respecting ignition and sparks**

*Subsection revised:*

**154** An employer shall ensure that

(a) no article or thing liable to ignite spontaneously or likely to cause an explosion or fire is taken into or stored **within 8 m of a magazine** used to keep or store explosives, and

### **Inspection of blasting machine**

*Subsection revised, new subsection added:*

**155** An employer **and a blaster shall each** ensure that a blasting machine is inspected at least annually by a competent person and that the blasting machine is maintained in good working condition.

### **Log book re blasting machine**

**155.1** An employer shall ensure that a log book recording inspections and repairs to a blasting machine is maintained and made available to an officer on request.

### **Identification of loaded drill holes**

*Subsection revised:*

**159** An employer and a blaster shall each ensure that loaded drill holes **located in a blasting area** are clearly identified and secured and are protected from the passage of machines or equipment over them.

### **Firing of charge**

*Subsection revised:*

**161** An employer shall ensure that no person other than a blaster who holds the appropriate certificate of qualification, or a person referred to in Sub-section 150(1) fires a charge.

### **Prohibition respecting priming and firing of charge**

*Subsection revised:*

**162** No person other than a blaster with the appropriate certificate of qualification, or a person referred to in subsection 150(1) shall

## Testing of detonators before firing

*New paragraph added:*

**163** Before firing a charge, a blaster shall ensure that electric detonators are (a) tested for continuity with a blasting meter before being used, and

(a.1) tested in accordance with the manufacturer's specifications, and

## Connection of lead wires to power source

*Paragraph revised:*

**165 (a)** an audible warning of a minimum of 120 dB at source lasting at least 30 seconds is given to all persons in the danger area.

## Extraneous electricity

*Paragraph revised:*

**167(3) (b)** when blasting within 100 m of electric power lines, unless the manufacturer's specifications indicate that it is safe to do so.

## Electric initiation of blasting and distance from transmitter

*Subsection revised:*

**168** An employer and a blaster shall each ensure that electric initiation of blasting is not carried out at a distance from any transmitter less than the minimum distances established by the Institute of Makers of Explosives in its publication entitled "Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Commercial Electric Detonators (Blasting Caps)" (December 2011), as amended. (all tables showing distance limits repealed)

## Misfires

*Subsections revised:*

**170 (1)** If a charge has misfired or is suspected of having misfired, the blaster who fired the charge shall remain outside the danger area until 15 minutes after the last charge was due to explode.

**170(3)** Where no misfired charge is found, the blaster who fired the charge may approve the danger area as safe and shall cause an all clear signal of a minimum of 120 dB at source to be sounded.

## Records to be kept

*Paragraph revised, new subsection added:*

**173(1)** A blaster who conducts or supervises a blast shall maintain a log book recording the following:

(b) after the blast:

(iii) results of post-blast examination for misfires other dangers, and in the case of a seismic blasting operation, results of post-blast examination for vibration and peak noise levels.

**173(3)** A blaster shall provide a copy of the log book to the employer who shall keep the log book for three years after the last blast recorded in the log book and shall ensure it is made available to an officer on request.

*New subsections added:*

### **Production of training records**

**174.1** A blaster who conducts, supervises or participates in a specialized blasting operation shall keep their training records in specialized blasting operations in a safe place at the place of employment and make it available to an officer on request.

### **Log book**

**174.2(1)** An employer shall ensure that the employee in charge of drilling maintains a log book recording the number of drilled holes, the depth of the drill holes and any anomalies to the drill holes.

**174.2(2)** An employer shall ensure that the log book is made available to an officer on request.

*Section 175 repealed*

### **Explosives**

*Subsection revised:*

**177(2)** An employer shall ensure that time-expired, surplus or damaged explosives are disposed of in accordance with the Explosives Act (Canada).

### **Code of Practice**

*Section revised:*

**179** An employer shall establish a code of practice with respect to

- (a) the use of black powder,
- (b) the handling and disposal of time-expired, deteriorated or damaged explosives,
- (c) specialized blasting operations, and



(d) any use of explosive that the Chief Compliance Officer determines to be unusual.

***New regulation added:***

**PART XIX.1 RADIATION SAFETY**

**Definitions**

**298.1** The following definitions apply in this Part.

“absorbed dose” means the average energy absorbed per unit mass of matter resulting from exposure to ionizing radiation

“E or effective dose” means the weighted sum of all the equivalent doses received by organs and tissues in a body.

“H or equivalent dose” means a dose of ionizing radiation absorbed by an organ or tissue, equivalent in terms of specified biological damage to a deposition of energy measured in

- (a) a unit of absorbed dose, equivalent to one joule of energy per kilogram of material, or
- (b) a unit of air kerma, equivalent to one joule of energy per kilogram of air. (H ou dose équivalente) “mSv” means a unit of equivalent dose numerically equal in the case of X-rays to absorbed dose. (mSv)

“radiation” means ionizing or non-ionizing energy in the form of atomic particles or electromagnetic or acoustic waves.

“X-ray radiation worker” means an employee whose occupation requires them to be exposed to radiation emitted by X-ray equipment.

**Operator qualifications**

**298.11(1)** A person who operates X-ray equipment for the irradiation of human beings shall be

- (a) a radiation technologist registered with the New Brunswick Regulatory College for Medical Radiology Technologists,
- (b) a dental hygienist registered with the New Brunswick College of Dental Hygienists,
- (c) a formally trained dental assistant registered with the New Brunswick Dental Society,
- (d) a dentist registered with the New Brunswick Dental Society,
- (e) an interventional radiologist or an interventional cardiologist registered with the New Brunswick Medical Society,
- (f) a chiropractor registered with the New Brunswick Chiropractors Association, or

- (g) a student undergoing a course of instruction in a school approved by the Canadian Association of Medical Radiation Technologists, the Canadian Dental Association, the Canadian Medical Association or the Canadian Chiropractic Association.

**298.11(2)** A person who operates X-ray equipment other than for the irradiation of human beings shall

- (a) be competent in maintaining or testing X-ray equipment,
- (b) be competent in X-ray radiation physics,
- (c) be licensed as a veterinarian by the New Brunswick Veterinary Medicine Association,
- (d) be certified as a Level I, II or III industrial radiographer, in accordance with the CGSB standard CAN/CGSB-48.9712-2014, Non-Destructive Testing - Qualification and certification of NDT Personnel or a standard offering equivalent or better protection, or
- (e) work under the direct and close supervision of a person referred to in paragraphs (a) to (d)

**298.11(3)** Despite subsection (2), any person may operate X-ray equipment other than for the irradiation of human beings if the X-ray source, the object or a portion of the object being exposed to X-rays and any detection device are enclosed within a cabinet preventing access to and protecting persons from exposure to the X-ray beam.

### **X-ray equipment**

**298.2** An employer and an X-ray radiation worker shall each ensure that X-ray equipment is installed, used, maintained, repaired and inspected in accordance with

- (a) manufacturer's specifications,
- (b) the Radiation Emitting Devices Act (Canada),
- (c) the appropriate safety code listed below, as published by the Minister of Health Canada and amended from time to time,
  - (i) Safety Code 28: "Radiation Protection in Veterinary Medicine: Recommended Safety Procedures For Installation And Use Of Veterinary Xray Equipment",
  - (ii) Safety Code 29: "Requirements for the Safe Use of Baggage X-ray Inspection Systems", (iii) Safety Code 30 (2022): "Radiation Protection in Dentistry - Safety Procedures for Installation, Use and Control of dental X-ray equipment.
  - (iii) Safety Code 32: "Safety Requirements and Guidance of Analytical X-ray Equipment",
  - (iv) (v) Safety Code 34: "Radiation Protection and Safety for Industrial X-ray Equipment",

- (v) Safety Code 35: “Safety Procedures for the Installation, Use and Control of X-ray Equipment in Large Medical Radiological Facilities”, and (
  - (vi) Safety Code 36: “Radiation Protection and Quality Standards in Mammography – Safety Procedures for the Installation, Use and Control of Mammographic X-ray Equipment”, and
- (d) any other procedure approved by the Chief Compliance Officer.

### **Dose limits**

**298.21(1)** An employer or an owner of X-ray equipment shall ensure that X-ray equipment is installed in a place that is shielded, using as dose constraint for design purposes the dose limits set out in subsection.

**298.21(2)** An employer or an owner of X-ray equipment shall ensure that X-ray equipment is used and maintained in a manner so that an X-ray radiation worker’s radiation exposure does not exceed the following dose limits:

- (a) whole body (E or effective dose) 20 mSv per year;
- (b) lens of the eye (H or equivalent dose) 150 mSv per year; and
- (c) the skin of hands, feet and the face (H or equivalent dose) 500 mSv per year

**298.21(3)** An employer shall ensure that an X-ray radiation worker who has informed the employer in writing that they are pregnant does not receive a radiation exposure to the surface of their abdomen in excess of 2 mSv for the balance of the pregnancy starting from the date on which the employer is informed of the pregnancy

**298.21(4)** The dose limits shall not include natural radiation and radiation exposure from personal medical and dental procedures.

### **Nuclear energy worker**

**298.3** Despite any other provision of this Part, when an employer employs an X-ray radiation worker who is a nuclear energy worker as defined in the Nuclear Safety and Control Act (Canada) and whose total radiation exposure may be due to X-rays and other types of ionizing radiation, the employer shall ensure the combined dose of ionizing radiation received by the X-ray radiation worker does not exceed the limits specified in the Nuclear Safety and Control Act

### **Exposure**

**298.4** An employer shall ensure that an X-ray radiation worker whose radiation exposure in any year exceeds the dose limits specified in subsection 298.21(2) does not engage for the

remainder of that year in work that is likely to add to the X-ray radiation worker's cumulative radiation exposure unless the Chief Compliance Officer approves the work.

### **Duty to inform**

**298.5** At the time that employment begins, an employer shall inform an X-ray radiation worker, in writing, of the dose limits specified in subsection 298.21(2) and the importance of informing the employer, as soon as the circumstances permit, in writing, that the X-ray radiation worker is pregnant.

### **Records**

**298.6(1)** An employer shall maintain a record for each X-ray radiation worker containing the following information:

- (a) the X-ray radiation worker's date of birth;
- (b) the X-ray radiation worker's sex;
- (c) the date on which the X-ray radiation worker began employment;
- (d) the X-ray radiation worker's weekly radiation exposure; and
- (e) the number of hours worked per week by the X-ray radiation worker.

**298.6(2)** An employer shall ensure the record for each X-ray radiation worker is made available to an officer on request and shall retain the record for at least three years after the termination of employment of the X-ray radiation worker.

### **Radiation exposure**

**298.7(1)** An employer who is required to provide an X-ray radiation worker with a personal radiation monitoring device shall maintain a report indicating the radiation exposure of the X-ray radiation worker for at least three years from the date the report is made.

**298.7(2)** In the event of a single or cumulative radiation exposure of 5 mSv or greater, an employer shall inform the X-ray radiation worker of their radiation exposure within 72 hours after the employer becomes aware of the exposure

**298.7(3)** If an employer is capable of demonstrating that the radiation exposure of X-ray radiation workers will not exceed 1 mSv per year, the employer is not required to monitor the radiation exposure of X-ray radiation workers or maintain records indicating the radiation exposure of X-ray radiation workers.

### **Medical examination**

**298.8(1)** An employer who has reason to believe that an X-ray radiation worker has received an acute whole body dose of ionizing radiation in excess of 500 mSv or an extremity

exposure exceeding 5,000 mSv resulting from the operation of X-ray equipment shall ensure that the X-ray radiation worker undergoes a medical examination.

**298.8(2)** The cost of a medical examination carried out under this section shall be paid by the employer and the medical examination shall, when the circumstances permit, be carried out during the normal working hours of the X-ray radiation worker.

### **Pregnancy**

**298.9** An X-ray radiation worker shall, as soon as the circumstances permit, inform the employer in writing of their pregnancy.