

EC2007-652

**OCCUPATIONAL HEALTH AND SAFETY ACT
GENERAL REGULATIONS
AMENDMENT**

Pursuant to section 34 of the *Occupational Health and Safety Act* R.S.P.E.I. 1988, Cap. O-1.1, Council made the following regulations:

1. The *Occupational Health and Safety Act* General Regulations (EC 180/87) is amended by the revocation of sections 8.1 to 8.4 and Tables I and II following section 8.4, and by the substitution of the following:

- 8.1.** (1) In this Part, Definitions
- (a) “noise exposure limit” means a noise exposure limit established under section 8.3; noise exposure limit
 - (b) “practicable” means that which is reasonably capable of being done. practicable
- (2) Noise terminology and measurements used or described in this Part have the same meaning that they have in Terminology and measurements
- (a) CSA Standard Z107.56-06, Procedures for the Measurement of Occupational Noise Exposure, as amended from time to time; and

(b) ANSI Standard S1.25-1991, Specification for Personal Noise Dosimeters, as amended from time to time.

8.2 An employer shall ensure that practicable means are used to reduce the noise to which workers are exposed in areas at the workplace where workers may be present.

Use of practicable means to reduce noise

8.3 An employer shall ensure that a worker's noise exposure does not exceed any of the following noise exposure limits:

Noise exposure limits

Exposure level (dBA)	Exposure duration
80	24 hours
82	16 hours
85	8 hours
88	4 hours
91	2 hours
94	1 hour
97	30 minutes
100	15 minutes
103	7.50 minutes
106	3.75 minutes
109	1.88 minutes
112	0.94 minutes
115 and greater	0

8.4 (1) Unless otherwise provided in this Part, where

(a) a worker of an employer is exposed to noise at the workplace of the employer in excess of any noise exposure limit; or

(b) an employer or worker of an employer has reason to believe that a worker of the employer may be exposed to noise at the workplace of the employer in excess of any noise exposure limit,

the employer shall cause the noise exposure of a worker at the workplace to be measured without delay.

Measurement of noise level

(2) Where, in accordance with subsection (1), an employer causes a noise exposure measurement to be made at a workplace of the employer, the employer shall cause the measurement to be repeated without delay after a change in equipment or process affects the exposure level, or the exposure duration, at the workplace.

Repetition of noise exposure measurement

(3) Where, in accordance with subsection (1) or (2), an employer causes a noise exposure measurement to be made at a workplace of the employer, the employer shall ensure that

Procedure

- (a) the noise exposure measurement is performed in accordance with *CSA Standard Z107.56-06, Procedures for the Measurement of Occupational Noise Exposure*, as amended from time to time; and
- (b) the noise dosimeters and sound level meters used in the noise exposure measurement meet the requirements of *ANSI Standard S1.25-1991, Specification for Personal Noise Dosimeters*, as amended from time to time.

(4) The employer shall as soon as possible after a noise exposure measurement is conducted at a workplace of the employer inform affected workers of

Duty to inform workers of results

- (a) the results of the noise exposure measurement; and
- (b) the significance of the results in terms of their risk of hearing loss at the workplace.

8.5 Notwithstanding anything to the contrary in section 8.4, an employer is not required to measure the noise exposure of a worker of the employer at the workplace of the employer, if the employer can reasonably determine, without a noise exposure measurement, that the worker is exposed to noise at the workplace in excess of any noise exposure limit.

Exception

8.6 Where a worker of an employer is exposed to noise in the workplace in excess of any noise exposure limit, the employer shall

Engineered noise control

- (a) investigate options for engineered noise control; and
- (b) if practicable, implement one or more of those options to reduce noise exposure of workers to or below the noise exposure limit.

8.7 (1) If it is not practicable for an employer to reduce the noise exposure of a worker of the employer at the workplace to or below any noise exposure limit, the employer shall

Reduction of noise exposure, signs

- (a) reduce the noise exposure of the worker to the lowest level practicable;
- (b) establish a noise control and hearing conservation program that complies with the requirements of section 8.8;
- (c) post warning signs in the noise hazard areas;
- (d) give to affected workers hearing protection that meets the requirements of *CSA Standard Z94.2-02, Hearing Protection Devices – Performance, Selection, Care, and Use*, as amended from time to time, provide training to the affected workers in the use and care of the hearing protection and maintain the hearing protection so that it continues to meet those requirements; and
- (e) ensure that hearing protection required by clause (d), is worn properly by workers of the employer in noise hazard areas.

(2) Every worker in a posted noise hazard area shall wear hearing protection. Hearing protection

8.8 A noise control and hearing conservation program required under subsection 8.7(1) shall include provisions on Program - requirement

- (a) noise measurement;
- (b) education and training;
- (c) engineered noise control;
- (d) hearing protection;
- (e) posting of noise hazard areas;
- (f) hearing tests; and
- (g) annual program review.

8.9 (1) An employer shall ensure that workers of the employer who are exposed to noise in the workplace that exceeds a noise exposure limit are given Hearing test

- (a) an initial hearing test without delay after employment starts, but not later than 6 months after the start of employment; and
- (b) a hearing test at least once every 12 months after the initial test if the worker continues to be employed with the employer.

(2) An employer shall ensure that hearing tests required under subsection (1) shall be administered by Who must administer hearing tests

- (a) an audiologist; or
- (b) a person who is certified to conduct audiometric testing.

(3) The employer shall be responsible for paying for hearing tests administered under this section. Cost responsibility

8.10 The employer shall keep records of Records

- (a) the initial and annual hearing test results for each worker, which shall
 - (i) be kept as long as the worker is employed by the employer, and
 - (ii) be kept confidential and not released to anyone without the written permission of the worker, or as otherwise required by law;
- (b) the education and training provided to workers; and
- (c) the results of noise exposure measurements taken under section 8.4.

2. Section 13.1 of the regulations is revoked and the following substituted:

13.1 In this Part, “confined space” means an enclosed or partially enclosed space Defined, “confined space”

- (a) not designed or intended for human occupancy;
- (b) with restricted access or exit; and
- (c) that is or may become hazardous to a person entering it because of its design, construction, location, atmosphere or the materials or substances in it or other conditions,

and includes any bin, tank, tanker, tunnel, silo, sewer, vault, chamber, pipeline, pit, vessel, vat and flue.

3. The heading before section 45.12, and section 45.12, of the regulations are revoked.

4. These regulations come into force on October 31, 2008.

EXPLANATORY NOTES

SECTION 1 provides a definition of “noise exposure limit” and explains the meaning of the noise terminology and measurements used in these regulations. In addition, the section requires employers to measure the noise exposure of workers in certain situations and to inform workers of the results. It also requires employers to reduce noise levels, and workers to wear hearing protection, where the noise exposure of a worker at a workplace exceeds a noise exposure limit. Finally, this section requires an employer to ensure that workers are given hearing tests if they have a noise exposure that exceeds a noise exposure limit.

SECTION 2 amends the definition of “confined space”.

SECTION 3 revokes the material respecting hearing protection currently in the regulations.

SECTION 4 provides for the commencement of these regulations.