PROVINCE OF BRITISH COLUMBIA

REGULATION OF THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

Safety Standards Act

Ministerial Order No. M 317

I, Selina Robinson, Minister of Municipal Affairs and Housing, order that

(a) effective August 31, 2018,

(i) the Electrical Safety Regulation, B.C. Reg. 100/2004, is amended as set out in Schedule 1,

(ii) sections 13 (1), 16 (1) and (2), 20, 21 (5), 28, 31 and 33 of the Elevating Devices Safety Regulation, B.C. Reg. 101/2004, are amended by striking out "provincial safety officer" wherever it appears and substituting "safety officer",

(iii) section 32 of the Gas Safety Regulation, B.C. Reg. 103/2004, is repealed,

(iv) the Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation, B.C. Reg. 104/2004, is amended as set out in the attached Schedule 2, and

(v) the Safety Standards General Regulation, B.C. Reg. 105/2004, is amended as set out in the attached Schedule 3, and

(b) effective December 3, 2019, the Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation, B.C. Reg. 104/2004, is amended as set out in the attached Schedule 4.

August 2, 2018
Date

Minister of Municipal Affairs and Housing

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

Authority under which Order is made:

Act and section: *Safety Standards Act*, S.B.C. 2003, c. 39, s. 88 (2)

Other: M58/2004; M59/2004; M61/2004; M62/2004; M63/2004

R10227903

SCHEDULE 1

1 ***Section 7 of the Electrical Safety Regulation, B.C. Reg. 100/2004, is amended***

(a) in subsection (4) by striking out **"**class B, certificate***" and substituting*** **"**class B certificate***", and***

(b) in subsection (5) by striking out **"**class C, certificate***" and substituting*** **"**class C certificate***".***

2 ***Section 20.1 is repealed.***

SCHEDULE 2

1 ***Section 1 of the Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation, B.C. Reg. 104/2004, is amended in the definition of*** **"boiler system"** ***by striking out*** **"**low temperature low pressure fluid plant***" and substituting*** **"**low temperature, low pressure fluid plant***".***

2 ***Section 2 (1) is amended***

(a) by repealing the definitions of **"brazer"** ***and*** **"brazing"** ***and substituting the following:***

"brazing" has the same meaning as in CSA B51; **,**

(b) by adding the following definition:

"Canadian credential" has the same meaning as in section 1.1 of the Safety Standards General Regulation; **,**

(c) by repealing the definitions of **"compressed gas", "fuel firing system", "pressure brazer", "pressure brazing", "standardized certificate of competency", " welder"** ***and*** **"welding",**

(d) in paragraph (e) of the definition of **"fifth class plant"***, paragraph (d) of the definition of* **"fourth class plant"** ***and in the definition of*** **"plant"** ***by striking out*** **"**low temperature low pressure fluid plant***" and substituting*** **"**low temperature, low pressure fluid plant***",***

(e) by repealing the definitions of **"hydraulic or hydraulic purposes"** ***and*** **"low temperature low pressure fluid plant"** ***and substituting the following:***

"hydraulic or hydraulic purposes" means equipment that uses an incompressible fluid under pressure to generate and transmit power by converting energy from liquid pressure into mechanical energy;

"low temperature, low pressure fluid plant" means an assembly of one or more boilers, including ancillary equipment, that contain liquid and operate at a working pressure of 206 kPa or less and a temperature of 100°C or less; **,**

(f) by adding the following definition:

"marine engineer (motor) certificate of competency" means a credential issued by Transport Canada that provides evidence of an individual's level of competence with respect to marine motor systems; **,**

(g) by repealing the definitions of* "pressure welder" *and* "pressure welding" *and substituting the following:

"pressure welder" means an individual who holds a pressure welder's certificate of qualification issued under section 42;

"pressure welding" has the same meaning as "welding" in CSA B51; ***, and***

(h) in paragraph (b) of the definition of* "refrigeration mechanic" *by striking out* "** inter-provincial" and substituting* "**interprovincial***".***

3 Section 3 (2) is amended

(a) by repealing paragraph (m) and substituting the following:

(m) piping and fittings external to the boiler proper in a low temperature, low pressure fluid plant or a heating plant; ***, and***

(b) by adding the following paragraphs:

(u) penstocks;

(v) domestic water piping systems used in buildings or other structures;

(w) medical gas piping systems.

4 Section 5 (3) is repealed and the following substituted:

(3) An individual must not do pressure welding relating to regulated products under this regulation

(a) unless the individual holds a pressure welder's certificate of qualification, and

(b) except in accordance with CSA B51.

(4) An individual must not do brazing relating to regulated products under this regulation except in accordance with CSA B51.

5 Section 6 (e) is amended by striking out* "**low temperature low pressure fluid plant" and substituting* "**low temperature, low pressure fluid plant***".***

6 Section 7 is amended

(a) in subsection (2) by striking out* "**An applicant for a certificate of qualification" and substituting* "**If an applicant for a certificate of qualification is required under this regulation to have employment experience as a condition of certification, the applicant***", and***

(b) in subsection (4) by striking out* "**class of power engineer's".***

7 Section 9 is amended

(a) by repealing subsection (1) and substituting the following:

(1) In this section, **"marine engineer (steam) certificate of competency"** means a credential issued by Transport Canada that provides evidence of an individual's level of competence with respect to steam propulsion systems. ***, and***

(b) in subsection (2) by striking out "marine (steam) certificate of competency***" and substituting "***marine engineer (steam) certificate of competency***".***

8 Section 11 (2) is amended by striking out "a boiler operator***" and substituting "***an ice facility operator, an oil well boiler operator, an antique show boiler operator***".***

9 Section 13 (1) is amended by striking out "a second class power engineer's standardized certificate of competency, and have been employed, while in possession of that certificate***" and substituting "***a corresponding Canadian credential, and have been employed, while in possession of that certificate or credential***".***

10 Section 15 (1) (b) is amended by striking out "a third class power engineer's standardized certificate of competency and have been employed, while in possession of a third class power engineer's certificate of qualification***" and substituting "***a corresponding Canadian credential, and have been employed, while in possession of that certificate or credential***".***

11 Section 17 is amended

(a) by repealing subsection (1) (a) and substituting the following:

(a) hold a marine engineer (motor) certificate of competency of second class or higher, or ***,***

(b) in subsection (1) (b) by striking out "a standardized fourth class power engineer's certificate of qualification and have been employed, while in possession of a fourth class power engineer's certificate of qualification***" and substituting "***a corresponding Canadian credential, and have been employed, while in possession of that certificate or credential***",***

(c) by repealing subsection (1) (b) (ii) and (iii) and substituting the following:

(ii) 24 months as a chief engineer or shift engineer of a fourth class heating plant or a fourth class power plant, or

(iii) 36 months as

(A) a chief engineer or shift engineer of a fourth class plant other than a power plant or a heating plant, or.

(B) a shift engineer of a third class plant other than a power plant or a heating plant. ***, and***

(d) in subsection (5) by striking out "A one time***" and substituting "***A one-time***".***

12 Section 19 is amended

(a) by repealing subsection (1) (a) and substituting the following:

(a) hold a marine engineer (motor) certificate of competency of third class or higher, or **,**

(b) in subsection (1) (b) by striking out "the provincial safety manager***" and substituting "***a provincial safety manager***",***

(c) in subsection (1) (b) (ii) (D) by striking out "low temperature low pressure fluid plant***" and substituting "***low temperature, low pressure fluid plant***",***

(d) in subsection (1) (b) (iii) by striking out "acceptable to a provincial safety manager***" and substituting "***acceptable to the provincial safety manager***",***

(e) in subsection (1) (b) (iii) by striking out "approved by a provincial safety manager***" in both places and substituting "***approved by that provincial safety manager***",***

(f) in subsection (4) by striking out "diploma issued***" and substituting "***certificate issued***", and***

(g) by adding the following subsection:

(5) A one-time 6 month credit towards the qualifying time requirement specified in subsection (1) (b) will be granted to applicants who have received boiler plant computer simulation training at an educational or vocational facility approved by a provincial safety manager.

13 Section 27 is amended

(a) by repealing subsection (2), and

(b) in subsection (3) by striking out "or (2)***".***

14 Section 32 is amended

(a) by adding "and***" to the end of paragraph (a),***

(b) by striking out ", and***" at the end of paragraph (b), and***

(c) by repealing paragraph (c).

15 Section 36 (b) is repealed and the following substituted:

(b) has, as the person in charge of the plant, a refrigeration operator or a power engineer of fourth class or higher.

16 Section 37 is amended

(a) by adding "and***" to the end of paragraph (a),***

(b) by striking out ", and***" at the end of paragraph (b), and***

(c) by repealing paragraph (c).

17 Section 38 is amended

(a) in subsection (1) by striking out "named in the certificate***",***

(b) in subsection (1) (d) by striking out "low temperature low pressure fluid plant***" and substituting "***low temperature, low pressure fluid plant***", and***

(c) by adding the following subsection:

(4) Without limiting subsection (3), the holder of a boiler safety awareness certificate of qualification must, before performing any task referred to in this section, be trained by the person in charge of the plant in safety procedures for that plant.

18 Section 39 (a) is repealed.

19 Section 40 is amended

(a) in subsection (1) by striking out "the refrigeration plant named on the refrigeration safety awareness certificate of qualification in***", and***

(b) by adding the following subsection:

(3) Without limiting subsection (2), the holder of a refrigeration safety awareness certificate of qualification must, before performing any task referred to in this section, be trained by the person in charge of the refrigeration plant in safety procedures for that plant.

20 Section 44 (2) is amended by striking out "the boiler or refrigeration equipment that is connected to the same header or refrigeration system, as the case may be***" and substituting "***all boilers that are connected to the same header***".***

21 Section 46 (5) is repealed.

22 The following section is added:

Determination of refrigeration plant capacity

46.1 For the purposes of this regulation, the capacity of a refrigeration plant is the total kW of all refrigeration equipment prime mover name plate ratings connected to the refrigeration plant.

23 Sections 55 (1) (b) (iv) and 56 (1) (b) are amended by striking out "low temperature low pressure fluid plant***" and substituting "***low temperature, low pressure fluid plant***".***

24 Section 60 is amended by adding the following paragraph:

(e) class "PW" pressure welding.

25 Section 61 is amended

(a) in subsection (2) by striking out "a contractor***" and substituting "***a licensed contractor***",***

(b) in subsection (2) (a) by striking out "a safety manager***" and substituting "***a safety officer***",***

(c) in subsection (2) (b) by striking out "submit to a safety officer***" and substituting "*** submit to the owner of the equipment and, on request, a safety officer***", and***

(d) in subsection (3) by striking out "a provincial safety officer***" and substituting "***a safety officer***".***

26 Section 62 (1) is amended by striking out "install or alter***" and substituting "***install, repair or alter***".***

27 Section 63 (1) is repealed and the following substituted:

(1) An installation permit is not required to install a pressure vessel.

28 Section 64 is amended

(a) by adding "by a safety officer***" after "***for inspection***",***

(b) in paragraph (h) by adding "or other pressure test***" after "***hydrostatic test***", and***

(c) in paragraph (i) by striking out "Workers' Compensation Board of British Columbia Occupational Health and Safety Regulation***" and substituting "***the Occupational Health and Safety Regulation***".***

29 Section 67 is amended

(a) by repealing subsections (3), (6) (a) and (7), and

(b) in subsection (6) by adding ", refrigeration operator or ice facility operator***" after "*** power engineer***" wherever it appears.***

30 Section 69.1 (c) is amended

(a) in subparagraph (i) by striking out "and***", and***

(b) by adding the following subparagraph:

(i.1) a list of all power engineers, operators and safety awareness certificate holders employed at the plant, including

(A) their certificate numbers, classes and expiry dates, and

(B) a description of their tasks and where and when they perform those tasks, and **.**

31 Sections 71 and 72 are repealed and the following substituted:

Owner not to require persons to perform dangerous work

71 The owner of a plant must not require a holder of a certificate, or a refrigeration mechanic, to perform a duty not related to the operation of the plant if a provincial safety manager considers that the performance of that duty may create a risk of personal injury or damage to property.

Owners and licensed contractors to keep records

72 (1) The owner of a plant or a licensed contractor must ensure that records required under this regulation or by a provincial safety manager are kept as follows:

(a) for a period of at least 7 years;

(b) for a longer period, if required under this regulation or by a provincial safety manager.

(2) An owner who receives reports under section 61 (2) (b) in respect of equipment must keep the reports throughout the life of the equipment.

32 Section 77 is amended

(a) by repealing subsection (1) and substituting the following:

(1) The owner must inform a safety officer before the owner or a licensed contractor installs any new boiler or pressure vessel and the safety officer may stipulate any record-keeping requirements. **,**

(b) in subsection (2) by striking out "provincial safety officer***" in both places and substituting "***safety officer***", and***

(c) in subsection (2) (c) by striking out "documentation***" and substituting "***records***".***

33 Section 78 is amended

(a) in subsection (1) by striking out "all welding and brazing is done in accordance with the welding and brazing procedures set out in***" and substituting "***all pressure welding and brazing is done in accordance with***", and***

(b) by repealing subsection (2) and substituting the following:

(2) Pressure welding or brazing must not be performed in British Columbia unless one of the following persons has first registered the pressure welding or brazing procedures with a provincial safety manager:

(a) a licensed contractor holding a licence of class "A", "Au", "Ap" or "PW";

(b) another person permitted by the provincial safety manager.

34 Section 80 is amended by striking out "in respect of which a boiler safety awareness certificate of qualification has been issued to a person employed at the premises must provide the safety officer with***" and substituting "***in which the holder of a boiler safety awareness certificate of qualification is employed must obtain, and keep at the premises,***"***.

35 Section 81 is amended by striking out "in respect of which a refrigeration safety awareness certificate of qualification has been issued to a person employed at the premises must provide the safety officer with***" and substituting "***in which the holder of a refrigeration safety awareness certificate of qualification is employed must obtain, and keep at the premises,***".***

36 Section 83 is repealed.

37 Section 84 is amended

(a) in subsection (3) (b) by striking out "a pressure-retaining component***" and substituting "***a pressure retaining component***",***

(b) in subsection (4) by adding "the name of the manufacturer and***" before "***all drawings***", and***

(c) by repealing subsection (6) and substituting the following:

(6) If, in the opinion of a provincial safety manager, a design registered under subsection (2) is subsequently found to be defective in any detail,

(a) the provincial safety manager may suspend or revoke the registration,

(b) the design must be revised by the person who submitted the design, and

(c) the pressure retaining equipment that is the subject of the design must not be constructed or used until

(i) those revisions are approved by the provincial safety manager, and

(ii) the provincial safety manager cancels the suspension or reinstates the registration, if the registration was suspended or revoked.

38 Section 84.1 (5) is repealed and the following substituted:

(5) If, in the opinion of a provincial safety manager, a design registered under subsection (2) is subsequently found to be defective in any detail,

(a) the provincial safety manager may suspend or revoke the registration,

(b) the design must be revised by the person who submitted the design, and

(c) the automated control system that is the subject of the design must not be installed or used until

(i) those revisions are approved by the provincial safety manager, and

(ii) the provincial safety manager cancels the suspension or reinstates the registration, if the registration was suspended or revoked.

39 Section 85 is repealed and the following substituted:

Boiler fuel systems to be registered on request

85 The manufacturer or designer of the fuel system for a boiler must submit the following to a provincial safety manager, on request of the provincial safety manager and within the time requested:

(a) information respecting the safeguards, controls and interlocks of the fuel system, including a listing of the codes and standards to which the system conforms;

(b) schematic drawings and logic data.

40 Section 86 is amended by striking out "approval from the safety officer for the repair procedures to be used***" and substituting "***from the safety officer approval for the repair procedures to be used and an installation permit***".***

41 The Schedule is amended by repealing sections 4 (h) and 5 (c).

SCHEDULE 3

1 The Safety Standards General Regulation, B.C. Reg. 105/2004, is amended by adding the following section:

Certification agencies

2.11 An organization accredited by the Standards Council of Canada under the *Standards Council of Canada Act* as an organization engaged in conformity assessment is a certification agency for the purposes of a safety regulation.

2 Section 19 (b) is amended by striking out "installments***" and substituting "***instalments***".***

3 The heading to Part 8 is repealed and the following substituted:

PART 8 – REPORTING .

4 Section 34 (1) is amended by striking out "attend an incident the person***" and substituting "***attend an incident, the person***".***

5 The following section is added:

Compliance declarations

35 (1) In this section, **"declaration of compliance"** means a declaration or notice that, or another form of statement indicating that, regulated work complies with the Act and the regulations.

(2) A person who is required under a safety regulation to give a declaration of compliance to a regulatory authority, provincial safety manager or safety officer

(a) must not give the declaration of compliance unless the person has first physically inspected the regulated work that is the subject of the declaration, and

(b) must confirm both of the following in the declaration of compliance:

(i) that the person has personally inspected the regulated work;

(ii) that the person believes, based on their inspection, that the regulated work complies with the Act and the regulations.

SCHEDULE 4

1 Section 7 (1) (o) of the Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation, B.C. Reg. 104/2004, is repealed and the following substituted:

(o) class "A" pressure welder;

(p) class "IT" pressure welder;

(q) class "R" pressure welder.

2 Sections 41 and 42 are repealed and the following substituted:

Application for pressure welder's certificate of qualification

41 (1) In this section:

"ITA" means the Industry Training Authority established under the *Industry Training Authority Act*;

"red seal credential" means an interprovincial red seal credential in the trade of welding.

(2) An applicant for a class "A" or "IT" pressure welder's certificate of qualification must

(a) meet the applicable conditions for qualification as set out in this section, and

(b) have successfully completed a performance qualification test that

(i) is acceptable to a provincial safety manager, and

(ii) conforms to the requirements of CSA B51.

(3) An applicant for a class "A" pressure welder's certificate of qualification must hold one of the following:

(a) a BC welder certificate issued by the ITA and endorsed with a red seal credential;

(b) a BC welder level A or B certificate issued by the ITA;

(c) a welder trade qualification endorsed with a red seal credential by an apprenticeship authority in another jurisdiction of Canada.

(4) An applicant for a class "IT" pressure welder's certificate of qualification must be a welding apprentice who

(a) is registered with the ITA or an apprenticeship authority in another jurisdiction of Canada, and

(b) has completed level 2 of the apprenticeship program.

(5) An applicant for a class "R" pressure welder's certificate of qualification must

(a) hold a valid qualification as a welder in accordance with CSA B51, and

(b) provide to a provincial safety manager proof that the applicant is employed as a pressure welder by a licensed contractor.

What a pressure welder may do

42 (1) The holder of a class "A" pressure welder's certificate of qualification may perform pressure welding for a licensed contractor.

(2) The holder of a class "IT" pressure welder's certificate of qualification may perform pressure welding for a licensed contractor while under the supervision of a person who

(a) holds a class "A" pressure welder's certificate of qualification, and

(b) is employed by the licensed contractor.

(3) The holder of a class "R" pressure welder's certificate of qualification may perform pressure welding for the licensed contractor named on the certificate for

a period of up to 6 months from the date the certificate is issued, as stated on the certificate.

3 Section 43 (1) is repealed.

4 The following section is added to Division 2 of Part 1:

Transition – pressure welder certificates of qualification

43.2 A person who, on December 3, 2019, holds a pressure welder certificate of qualification is deemed to hold a class "A" pressure welder certificate of qualification until the earliest of the following dates:

(a) the date on which the person is issued a class "A" pressure welder certificate of qualification;

(b) the date on which the person's pressure welder certificate of qualification is revoked;

(c) December 3, 2020.