

1992 BILL 333

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 333

ENVIRONMENTAL MONITORING OF RESPIRABLE DUST IN COAL MINES ACT

MR. DOYLE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 333
Mr. Doyle

BILL 333

1992

ENVIRONMENTAL MONITORING OF RESPIRABLE DUST IN COAL MINES ACT

(Assented to , 1992)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

(a) "mine representatives" means those persons set out in
section 5,

(b) "Minister" means the Minister of Occupational Health
and Safety,

(c) "respirable dust" means dust particles of 0.5 to 5.0 microns
in size,

(d) "respirable dust sampling device" includes stationery
samplers, personal samplers, dust samplers with direct read
out, cyclones and filters,

(e) "sampling block" is the number of consecutive days
specified in the Act during which sampling must be conducted
at a given location,

(f) "standards" means the standards set out in section 3(1),

(g) "working face" includes the face of any tunnel, entry, raise,
sinking, broken pillar or working or long or short panel of
coal,

(h) "working section" includes any tunnel, entry, raise or sinking, in the process of being driven or where coal is being extracted from working panels of excavations.

2 Every operator of a coal mine shall monitor and control the levels of respirable coal and free silica dust in the mine.

3(1) The average concentration of respirable dust in the mine and to which persons are exposed shall not exceed:

(a) six milligrams per cubic metre of air where the respirable coal dust or free silica dust exceeds 0.3 milligrams per cubic metre, and

(b) three milligrams per cubic metre of air where the respirable coal dust or free silica dust exceeds 0.3 milligrams per cubic metre.

(2) Compliance with the above standards is established if:

(a) samples from no fewer than 7 consecutive shifts in the sampling block for any one location do not exceed the maximum standards,

(b) samples from no more than 2 consecutive shifts in the sampling block for any one location exceed the maximum standards,

(c) samples from no fewer than 10 shifts in the sampling block for any one location do not exceed the maximum standards, and

(d) the average of the samples taken during a sample block does not exceed the maximum standards.

4 All respirable dust sampling devices must be approved by the Minister before being used.

5(1) Representatives from both the management and employees of a coal mine shall submit to the Minister a plan detailing the initial locations at which dust samples are to be taken.

(2) An up to date plan shall be posted in a conspicuous location at the mine and shall be available for inspection at any

time by a representative of the Minister.

6(1) Stationary sampling devices shall be maintained horizontally at approximately the same elevation as a worker's breathing level and located on the working face side approximately 2 meters from the working location at the commencement of the operation and shall remain in that position until the worker moves to another working place or the sampling period is completed.

(2) If the air velocity at the sampling point is

(a) more than 240 metres per minute, the sampling device shall be placed perpendicular to the direction of the air flow,

(b) less than 240 metres per minute, the sampling device shall face into the air flow.

7(1) Personal sampling devices shall be firmly attached to a worker's clothing at chest level and shall be worn at all times during the sampling period.

8(1) Sampling shall be conducted at each location indicated on the mine representatives' plan for a period of no less than 15 consecutive days at least once every 3 months.

(2) Underground coal mines

(a) shall have each working section sampled during a production shift with stationary and personal samplers, and

(b) shall sample all other areas of the mine where workers are regularly present.

(3) Surface and open pit coal mines shall have all locations indicated on the mine representatives' plan sampled during normal operations with both stationary and personal samplers.

9(1) If respirable dust levels are found to exceed the standards set out in section 3, samples shall be taken daily on a production shift until 10 consecutive samples shown compliance with the standards.

(2) If dust concentration remains above the standards for

- (a) four consecutive days, or
- (b) the average number of days in the sample block,

then all dust generating activities in that location shall be discontinued until improved dust control procedures sufficient to meet the standards is ensured.

10(1) Each sample shall be weighed, analyzed and recorded with 2 working days after it was taken and the results recorded and a copy of the results forwarded to the Minister.

- (2) Analysis for free silica shall be conducted:
 - (a) For every third sample for all working sections, and
 - (b) for every fifth sample for all other areas.

(3) Samples must be weighed to the nearest 0.01 milligram.

(4) Dust sampling must be done and sample analysis conducted by a competent person acceptable to the mine representatives and the Minister.

11(1) Respirable dust protection shall be provided by the coal mine and shall be used by all persons whenever a short term exposure to high dust concentration is unavoidable.

(2) The use of respirable dust protection equipment shall not be substituted for environmental dust monitoring or control measures.

12 Person in violation of this Act are guilty of an offence and subject to fines not exceeding \$150,000 for each violation.

13 This Act comes into force upon Proclamation.