Royal Gazette

Part II
Regulations under the Regulations Act

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Contents

In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 8/2011
Made: January 18, 2011
Filed: January 20, 2011
Proclamation, S. 61, S.N.S. 2008, c. 10

Order in Council 2011-25 dated January 18, 2011
Proclamation made by the Governor in Council
pursuant to Section 61 of the
Technical Safety Act

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated January 13, 2011, and pursuant to Section 61 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Chapter 10 of the Acts of 2008, the *Technical Safety Act*, except clauses (e), (u) and (v) of Section 3, subclauses (i), (iv) and (v) of clause (d) of subsection (1) of Section 6, clauses (a), (c) and (d) of subsection (1) of Section 52 and Sections 55, 58 and 59 do come into force on and not before April 1, 2011.

PROVINCE OF NOVA SCOTIA **sgd: Mayann E. Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE CONCERN,

G R E E T I N G:

A PROCLAMATION

WHEREAS in and by Section 61 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*, it is enacted as follows:

> **61** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 10 of the Acts of 2008, the *Technical Safety Act*, except clauses (e), (u) and (v) of Section 3, subclauses (i), (iv) and (v) of clause (d) of subsection (1) of Section 6, clauses (a), (c) and (d) of subsection (1) of Section 52 and Sections 55, 58 and 59 do come into force on and not before April 1, 2011;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 10 of the Acts of 2008, the *Technical Safety Act*, except clauses (e), (u) and (v) of Section 3, subclauses (i), (iv) and (v) of clause (d) of subsection (1) of Section 6, clauses (a), (c) and (d) of subsection (1) of Section 52 and Sections 55, 58 and 59 do come into force on and not before April 1, 2011, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 18th day of January in the year of Our Lord two thousand and eleven and in the fifty-ninth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 9/2011
Made: January 18, 2011
Filed: January 20, 2011
Technical Safety General Regulations

Order in Council 2011-26 dated January 18, 2011
Regulations made by the Governor in Council
pursuant to Section 49 of the *Technical Safety Act*

The Governor in Council on the report and recommendation of the Minister of Labour and ~~Advanced Education~~ [Workforce Development] dated December 15, 2010, and pursuant to Section 49 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*, is pleased to make new general regulations respecting technical safety in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 1, 2011.

Schedule "A"

General Regulations Respecting Technical Safety made by the Governor in Council under Section 49 of ~~the~~ Chapter 10 of the Acts of 2008, the *Technical Safety Act*

Interpretation and Application

Citation
1 These regulations may be cited as the *Technical Safety General Regulations*.

Definitions
2 In the Act and the regulations made under the Act,

"Act" means the *Technical Safety Act*;

"Apprenticeship Board" means the Apprenticeship Board appointed under the *Apprenticeship and Trades Qualifications Act*;

"Apprenticeship Training and Skill Development Division" means the Apprenticeship Training and Skill Development Division of the Department of Labour and ~~Workplace Development~~ [Advanced Education];

"construction" means following a system to assemble components or sub-components to create a regulated product or a part of a regulated product;

"equivalent standards card" means an identification card issued to an individual by the Apprenticeship Training and Skill Development Division as evidence that the individual meets the qualifications set in another jurisdiction that the Division considers to be equivalent to the Provincial standard, and the card is deemed to be a certificate of competency;

"general fees" means the fees for general, non-sector-specific services under the Act or these regulations that are set by the Minister in the *Technical Safety Fees Regulations* made under the Act.

Advisory Board and Sub-committees

Advisory Board composition

3 (1) The Advisory Board may have up to 17 members, in addition to the secretary to the Board.

(2) The Minister must appoint the Administrator or the Administrator's representative as a non-voting member of the Advisory Board and to hold the position of secretary to the Advisory Board;

(3) The Minister may appoint any of the following as members of the Advisory Board:

(a) the Chair of the Apprenticeship Board, or another member of the Apprenticeship Board selected by the Chair, who must be a non-voting member of the Advisory Board;

(b) the Director of [the] Apprenticeship Training and Skill Development Division or the Director's representative, who must be a non-voting member of the Advisory Board;

(c) 1 representative from the Construction Association of Nova Scotia, as selected by that organization;

(d) 1 representative from the Canadian Manufacturers and Exporters, as selected by that organization;

(e) 1 representative from the Building Owners and Managers Association Nova Scotia, as selected by that organization.

(4) If an organization specified in clause (3)(c), (d) or (e) is unable to select a representative, the Minister may appoint a member selected by a similar organization chosen by the Minister to replace the specified organization.

(5) The Minister may appoint any of the following as members of the Advisory Board:

(a) 1 member who holds a Provincial or interprovincial first class power engineer licence under the *Power Engineers Regulations* made under the Act, and who is working in a first class boiler plant;

(b) 1 member who has experience working for a public utility performing inspections of electrical installations;

(c) 1 member who has a crane operator 1 licence with a lattice boom crane endorsement under the *Crane Operators Regulations* made under the Act, and who has experience in crane operation;

(d) 1 member who has experience in manufacturing boilers or pressure equipment, as the term is defined in the *Boiler and Pressure Equipment Regulations* made under the Act;

(e) 1 member who has experience in a business installing or maintaining amusement devices;

(f) 1 member who has experience in a business installing or maintaining elevating devices;

(g) 1 member who has experience in the industry of installing or servicing oil appliances, as the term is defined in the *Fuel Safety Regulations* made under the Act;

(h) 1 member who has experience in the industry of installing or servicing propane or natural gas appliances, containers or equipment, as those terms are defined ~~under~~ [in] the *Fuel Safety Regulations* made under the Act;

(i) 1 member who holds a certificate of competency or certificate of qualification in a trade within the scope of the Act or regulations under the Act and is experienced in that trade;

(j) up to 3 other members, as considered necessary by the Minister for the efficient and effective operation of the Advisory Board.

Reports of Advisory Board

4 **(1)** The secretary must provide a copy of every report of the Advisory Board to the Minister.

(2) The Advisory Board must provide its recommendations and the recommendations it adopts from any sub-committee's report to the Advisory Board in the form of a report to the Minister.

(3) The Advisory Board must routinely provide a report to the Minister on the state of technical safety in the Province.

Chair and vice-chair of Advisory Board

5 **(1)** The Advisory Board must select 1 voting member to be the chair of the board.

(2) The Advisory Board must select 1 voting member to be the vice-chair of the board when the chair is unavailable.

(3) Despite subsections (1) and (2), the Minister may select a member to be the initial chair and a member to be the initial vice-chair of the Advisory Board.

(4) Despite subsections (1) and (2), if the Advisory Board does not select a chair or vice-chair, the Minister may select a member to be the chair or vice-chair.

Meetings of Advisory Board

6 Meetings of the Advisory Board must be held a minimum of once a year, and as necessary at the request of the Advisory Board Chair.

Quorum of Advisory Board

7 The majority of the voting members of the Advisory Board constitutes a quorum.

Term of members of Advisory Board

8 **(1)** Subject to subsections (2) and (3), an Advisory Board member may be appointed for a term of up to 3 years and may be reappointed.

(2) The Minister may appoint an Advisory Board member for an initial term of up to 5 years.

(3) A member of the Advisory Board may be appointed for up to a maximum of 2 consecutive terms.

(4) A member ceases to be a member if any of the following occurs:

(a) the member resigns;

(b) the member is unable to act as a member;

(c) the member fails to attend 3 consecutive Advisory Board meetings without providing a excuse reasonable to the Advisory Board Chair;

(d) the member was a civil servant appointed to the Advisory Board and is no longer employed, or has changed position, with the civil service of the Province;

(e) the member is no longer associated with the organization they were appointed to represent on the Advisory Board;

(f) the member no longer meets the selection criteria of their appointment as a member of the Advisory Board in Section 3.

(5) Despite any other provision in these regulations, an individual continues to be considered a member and to hold their position on the Advisory Board for up to 3 months after the date their term expired unless any of the following occurs:

(i) the individual ceases to be a member under subsection (4),

(ii) the individual is reappointed,

(iii) a new member is appointed for their position.

Role of Advisory Board

9 **(1)** In addition to the roles and duties set out in the Act, the Advisory Board may do any of the following:

(a) in seeking advice from non-members and experts under clause 11(4)(c) of the Act, receive submissions and hear petitions, briefs and comments from individuals or groups with respect to the Act;

(b) make recommendations to the Minister on any of the following:

(i) a question or examination for a type or class of certificate of competency,

(ii) criteria for a training program for a type or class of certificate of competency required in a regulation made under the Act,

(iii) a requirement in a practical test for a type or class of certificate of competency required in a regulation made under the Act,

(iv) a qualification for a type or class of certificate of competency,

(v) a requirement in a practical test for a type and level of endorsement, or a type or class of certificate of competency required in a regulation made under the Act,

(vi) a qualification for a type and level of endorsement or a type or class of certificate of competency,

(vii) recommendations made in a report from a sub-committee,

(viii) an acceptable equivalent for meeting a requirement in a regulation made under the Act.

(2) The Advisory Board may establish procedures, policies and operating guidelines for conducting the business of the Advisory Board, as it considers necessary.

Sub-committees

10 (1) With the Minister's approval, the Advisory Board must initially create the following sub-committees:

(a) boiler and pressure equipment advisory sub-committee;

(b) crane operator advisory sub-committee;

(c) fuel safety advisory sub-committee;

(d) power engineer advisory sub-committee.

(2) With the Minister's approval, the Advisory Board may establish procedures, policies or operating guidelines for conducting the business of a sub-committee as it considers is necessary.

(3) The Minister may disband a sub-committee at any time if the Minister believes that any of the following apply:

(a) the sub-committee is not meeting its mandate;

(b) the sub-committee is not following established procedures, policies or operating guidelines;

(c) the sub-committee is no longer necessary for examining technical safety issues.

(4) With the Minister's approval, the Advisory Board may assign duties, including some of the Advisory Board's duties, to a sub-committee.

Reports of sub-committees

11 (1) A sub-committee must provide its recommendations in the form of a report to the Advisory Board.

(2) The secretary must provide a copy of every report of the sub-committee to the Advisory Board.

Chair and secretary of sub-committees

12 (1) The Advisory Board must select a member of a sub-committee who is a member of the Advisory Board to act as the chair of the sub-committee.

(2) The Administrator or the Administrator's representative must be a non-voting member of each sub-committee and hold the position of secretary to the sub-committee.

Composition of sub-committee

13 **(1)** Excluding the secretary, an advisory sub-committee must have a minimum of 5 members and, except as provided in subsection (2), a maximum of 10 members.

(2) An advisory sub-committee may have more than 10 members if the Advisory Board approves the increased membership.

(3) To be appointed as a member of a sub-committee, a person who is not a member of the Advisory Board must be an expert or specialist in an aspect of technical safety that the Advisory Board considers necessary for the efficient and effective operation of the sub-committee.

Meetings of sub-committees

14 A meeting of a sub-committee must be held at the request of the Advisory Board Chair or the sub-committee chair.

Quorum of sub-committees

15 A majority of the voting members of a sub-committee constitutes a quorum.

Termination of membership in sub-committee

16 A member of a sub-committee ceases to be a member of the sub-committee if any of the following occurs:

(a) the member resigns;

(b) the member is unable to act as a member;

(c) the member fails to attend 3 consecutive sub-committee meetings without providing a excuse reasonable to the sub-committee chair;

(d) the member is no longer associated with the organization that they were appointed to represent on the sub-committee.

Notice and Report of Incident

Content of notice of incident

17 When giving notice of an incident as required by Section 13 of the Act, an owner or operator must provide the Administrator or the Administrator's designate with all of the following information:

(a) the full name of individual reporting the incident;

(b) the title of individual reporting the incident;

(c) the contact information for the individual reporting the incident;

(d) the civic address of the location of the incident;

(e) the date and approximate time of the incident;

(f) a description of the incident;

(g) the extent of any injury or damage caused by the incident.

Content of written report of incident

18 An owner or operator who is required by the Administrator or Administrator's designate to provide a written report of an incident must include all of the following information in the report:

(a) all of the information listed in subsection (1);

(b) details of the incident;

(c) details of any corrective action taken as a result of the incident;

(d) any relevant information specifically requested by the Administrator or the Administrator's designate.

Reinstatement of Authorizations, Registrations, Licences and Permits

Application for reinstatement of authorization or registration

19 (1) The holder of an authorization or registration that is revoked or suspended under subsection 22(3) of the Act may apply to the chief inspector or person who suspended or revoked the authorization or registration to have it reinstated.

(2) An applicant for reinstatement of an authorization or registration must include all of the following with their application under subsection (1):

(a) the identifying number for the suspended or revoked authorization or registration;

(b) the identity of the person requesting the reinstatement;

(c) contact information for [the] person requesting the reinstatement;

(d) details of any required corrective action taken by the person requesting the reinstatement;

(e) details of any required additional training taken by the person requesting the reinstatement;

(f) payment of the applicable general fees.

Application for reinstatement of licence

20 (1) A holder of a licence that is suspended or revoked under subsection 23(7) of the Act may apply to the chief inspector who suspended or revoked the licence to have the licence reinstated.

(2) An applicant for reinstatement of a licence must include all of the following with their application under subsection (1):

(a) the identifying number for the suspended or revoked licence;

(b) the identity of the person requesting the reinstatement;

(c) contact information for [the] person requesting the reinstatement;

(d) details of any required corrective action taken by the person requesting the licence reinstatement;

(e) details of any required additional training taken by the person requesting the reinstatement;

(f) payment of the applicable general fees.

Application for reinstatement of permit

21 (1) A holder of a permit suspended or revoked under subsection 24(5) of the Act may apply to the chief inspector or inspection agency who suspended or revoked the permit to have the permit reinstated.

(2) An applicant for reinstatement of a permit must include all of the following with their application under subsection (1):

(a) the identifying number for the suspended or revoked permit;

(b) the identity of the person requesting the permit reinstatement;

(c) contact information for [the] person requesting the permit reinstatement;

(d) details of any required corrective action taken by the person requesting the permit reinstatement;

(e) details of any required additional training taken by the person requesting the permit reinstatement;

(f) payment of the applicable general fees.

Alternative Compliance Method

Application for authorization of an alternative compliance method

22 (1) A person may discuss the viability of a proposed alternative compliance method with the chief inspector for the regulated work or regulated product, and obtain a preliminary assessment of the proposal before submitting an application for authorization under Section 27 of the Act.

(2) An applicant for authorization of an alternative compliance method under Section 27 of the Act must include all of the following with their application:

(a) the full name of the person requesting the authorization;

(b) the title of [the] person requesting the authorization;

(c) contact information for the person requesting the authorization;

(d) the civic address of the location for the property, thing or activity that is the subject of the request for the authorization;

(e) if the person applying for authorization is not the owner of the property, thing or activity that is the subject of the request for the authorization, written authorization from the owner that includes all of the following:

(i) confirmation that the owner has been informed of the request for authorization,

(ii) confirmation that the owner has been informed of the details of the proposed alternative compliance method,

(iii) confirmation that the owner has agreed to accept the alternative compliance method if authorization is granted;

(f) the Section of the Act, regulations under the Act or standard, including the edition date, that the alternative compliance method replaces;

(g) details on the proposed alternative compliance method;

(h) the reasons why authorization of the alternative compliance method is being requested;

(i) a detailed risk assessment of the proposed alternative compliance method that identifies all of the following:

(i) the risk reduction methodology addressed in the assessment,

(ii) the types of hazards addressed in the assessment;

(j) an assessment of any alternatives to the proposed alternative compliance method;

(k) copies of plans and specifications for the proposed alternative compliance method;

(l) a report prepared and certified by an engineer that provides a complete assessment of the proposed alternative compliance method;

(m) a certified copy of any applicable certification documents from a recognized certification organization;

(n) the name of any jurisdiction and the authority having jurisdiction that has accepted the proposed alternative compliance method;

(o) an explanation of how the proposed alternative compliance method will result in the same or a greater level of technical safety, as required for granting an authorization under subsection 27(2) of the Act;

(p) payment of the applicable general fees.

Minor Variance

Application for a minor variance

23 An applicant for a minor variance under Section 28 of the Act must provide the chief inspector for the regulated work or regulated product with all of the following with their application:

(a) the full name of the person requesting the minor variance;

(b) the title of [the] person requesting the minor variance;

(c) contact information for the person requesting the minor variance;

(d) the civic address of the location for the property, thing or activity that is the subject of the request for the minor variance;

(e) the Section of the Act, regulations under the Act or standard, including the edition date, that the minor variance is for;

(f) details on the requested minor variance;

(g) the reasons why the minor variance is being requested;

(h) an explanation of how the requested minor variance will result in the same or a greater level of technical safety, as required for granting a minor variance under subsection 28(2) of the Act;

(i) payment of the applicable general fees.

Maintenance Work Exemptions

Exemption from licence or permit for certain maintenance work

24 (1) In this Section, "maintenance" means work performed to replace a sub-component of a regulated product with a like sub-component that does not change the capacity, configuration or design of the product.

(2) Despite any requirement for a licence or certificate of competency in any regulations made under the Act, an individual who performs regulated work is exempt from the requirement to obtain a licence or a certificate of competency if all of the following conditions are met:

(a) the regulated work performed is exclusively maintenance;

(b) the individual performing the work is an employee of the owner of the regulated product that the regulated work is performed upon;

(c) the individual who performs the work has successfully completed the required training to safely and competently perform that regulated work;

(d) the chief inspector for the regulated work is satisfied that the training completed under clause (c) is sufficient.

(3) Despite any requirement for a permit in any regulations made under the Act, an owner of a regulated product is exempt from the requirement to obtain a permit to perform or permit the performance of regulated work on a regulated product, if all of the following conditions are met:

(a) the regulated work performed is exclusively maintenance;

(b) the individual performing the work is an employee of the owner of the regulated product that the regulated work is performed upon;

(c) the individual who performs the work has successfully completed the required training to safely and competently perform that regulated work;

(d) the chief inspector for the regulated work is satisfied that the training completed under clause (c) is sufficient.

(4) A chief inspector may issue a directive to provide guidance on what training is sufficient for the purposes of clause (2)(d) or (3)(d).

(5) If an employee, as an individual who performs regulated work, or an employer, as an owner of a regulated product, relies on a directive issued under subsection (4), the employer must ensure that all of the following are done:

(a) a record is made of all training taken by the employee to comply with clause (2)(c) or (3)(c);

(b) a record is made of any test taken by an employee;

(c) records made under clauses (a) and (b) are kept and are available for auditing for at least 7 years from the date the training or testing was taken by the employee.

N.S. Reg. 10/2011
Made: January 18, 2011
Filed: January 20, 2011
Boiler and Pressure Equipment Regulations

Order in Council 2011-27 dated January 18, 2011
Regulations made by the Governor in Council
pursuant to Section 49 of the *Technical Safety Act*

The Governor in Council on the report and recommendation of the Minister of Labour and ~~Advanced Education~~ [Workforce Development] dated December 15, 2010, and pursuant to Section 49 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*, is pleased, effective on and after April 1, 2011, to:

(a) repeal the regulations respecting steam boilers and pressure vessels, N.S. Reg. 19/58, made by the Governor in Council by Order in Council dated November 25, 1958; and

(b) make new regulations respecting boiler and pressure equipment in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Regulations Respecting Boiler and Pressure Equipment made by the Governor in Council under Section 49 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*

Interpretation and Application

Citation
1 These regulations may be cited as the *Boiler and Pressure Equipment Regulations*.

Definitions
2 (1) In these regulations,

"Act" means the *Technical Safety Act*;

"ASME" means the American Society of Mechanical Engineers;

"authority having jurisdiction" means a regulatory authority that is responsible for administering and enforcing the Act and these regulations or any statute and regulations governing the design, fabrication, installation, repair and alteration of boilers or pressure equipment within a jurisdiction;

"authorized individual" means an individual who holds a valid commission and endorsement as an authorized inspector issued by the NBBI, but is not an inspector under the Act or these regulations;

"boiler inspector" means an individual who holds either

(i) a BPE certificate of competency (inspections), or

(ii) a certification equivalent to that in subclause (i) from the authority having jurisdiction for the jurisdiction where the individual conducts the inspections;

"boiler system" means a boiler and the components of the system for the boiler, including piping, de-aerators, feed water storage tanks and heat exchangers;

"BPE certificate of competency (inspections)" means a certificate of competency granted to an individual under Section 26 of the Act in recognition of the individual's qualifications to perform the regulated work of conducting inspections as specified on the certificate;

"BPE chief inspector" means the inspector designated as the chief inspector for the purposes of the Act and these regulations;

"BPE contractor licence" means a licence granted to a contractor under Section 23 of the Act that authorizes the contractor to carry out regulated work as specified in the licence;

"BPE fees" means the fees for boiler and pressure equipment services set by the Minister in the *Technical Safety Fees Regulations* made under the Act;

"BPE inspector" means an inspector designated for the purposes of the Act and these regulations;

"BPE permit" means a permit granted to a person under Section 24 of the Act that authorizes the person to perform the regulated work of installing, altering, making an addition to, repairing or constructing a regulated product as specified in the permit;

"BPE standards" means the standards for boilers and pressure equipment established or adopted by the Minister in the *Technical Safety Standards Regulations* made under the Act;

"certified individual" means an individual employed by a manufacturer who is accredited as a "certified individual" by the ASME for the manufacturer;

"component" means a pressure-retaining part of a boiler or of pressure equipment such as a boiler part, pressure vessel part or a fitting;

"CRN" means a Canadian Registration Number as defined in the edition of Canadian Standards Association standard CSA B51, *Boiler, Pressure Vessel and Pressure Piping Code* adopted by the Minister in the *Technical Safety Standards Regulations* made under the Act;

"diameter", in relation to a regulated product, means the inside diameter of a pressure boundary, unless otherwise stated in the BPE standards;

"equipment licence" means a licence granted to a person under Section 23 of the Act that authorizes the person to use or operate a regulated product as specified in the licence;

"expansible fluid" means either of the following:

(i) a vapour or gaseous substance,

(ii) a substance that is a liquid under its current pressure and temperature but that will change to a gas or vapour when the pressure is reduced to atmospheric pressure;

"fabricate" means to prepare components for regulated products for subassembly, including cutting edge preparation for forming, bending, threading or welding at a shop or field site;

"fabricator" means a person responsible for fabricating a regulated product or a component for a regulated product;

"fitting" means any item, including a component, valve, gauge, regulating and controlling device, flange, pipe fitting or any other appurtenance, that meets all of the following criteria:

(i) it is not a boiler, pressure vessel, heat exchanger, air receiver, liquid receiver, steam processor, petroleum furnace coil, pressure piping system or refrigeration system,

(ii) it is part of the pressure boundary,

(iii) it is attached to or forming part of a boiler or pressure equipment;

"gas" means any of the following:

(i) natural gas, either before or after processing,

(ii) a substance recovered from natural gas, crude oil, oil sands or coal for transmission in a gaseous state;

(iii) a gaseous substance used to inject through a well into an underground formation;

"heating boiler" means a fired steam boiler or a fired high-temperature hot-water boiler;

"manufacture" means to complete the whole or parts of a regulated product;

"manufacturer" means a person responsible for manufacturing a regulated product;

"manufacturer's data report" means a report prepared and certified by

(i) a manufacturer on the manufacture of a regulated product, or

(ii) a fabricator on the fabrication of a regulated product;

"NBBI" means the National Board of Boiler and Pressure Vessel Inspectors of the United States;

"oil refinery" means a plant used for separating, vaporizing, cracking, desalting, purifying or refining oil or any of its constituents and includes the boilers, pressure vessels or pressure piping systems used at the plant;

"petroleum furnace coil" means a pressurized coil that is exposed to the products of combustion within an insulated enclosure located in a oil refinery or chemical pressure plant;

"power boiler" means a fired or unfired steam boiler;

"pressure" means pressure in kilopascals (kPag) or pounds per square inch (psig) as measured by a pressure gauge directly connected to the equipment that contains the pressurized material the gauge is measuring the pressure of;

"pressure boundary" means the primary boundary separating a high pressure condition from a low pressure or atmospheric pressure condition;

"pressure equipment" means a pressure vessel, fitting, heat exchanger, air receiver, liquid receiver, steam processor, petroleum furnace coil, pressure piping system or refrigeration system;

"pressure piping system" means the pipes, tubes, conduits, fittings, gaskets, bolting and other components making up a system, the sole purpose of which is to convey an expansible fluid under pressure and control the flow of the expansible fluid;

"pressure plant" means a plant with an installation of a boiler, pressure vessel, refrigeration system or compressed gas system that is operated either alone or in combination as a unit by the same owner and management, whether the unit is portable or permanently attached to a solid base, and includes any compressor, piping, appliance or equipment attached [to] or used in connection with the plant;

"pressure vessel" means a vessel or apparatus, other than a boiler, that is or may be used to contain, store, distribute, transfer, distill, process or otherwise handle gas, air or liquid at a pressure of higher than 103 kPag (15 psig) and has the following measurements:

(i) a diameter of larger than 152 mm (6 in.),

(ii) a capacity of greater than 42.5 L (1.5 cu. ft.);

"pressure welder" means an individual who holds a pressure welder licence or is deemed to hold a pressure welder licence under Section 52 of the Act;

"pressure welder history log" means a record of a pressure welder's completed pressure welder proficiency tests and the pressure welder's continuity;

"pressure welder licence" means a licence granted to an individual under Section 23 of the Act that authorizes the individual to perform the regulated work of pressure welding, including high pressure welding, according to the class of licence and as specified in the licence;

"pressure welding" means pressure welding or brazing performed on a regulated product;

"pressure welding employer" means a manufacturer, fabricator, contractor, installer, welding shop operator or other person who employs a person to perform the regulated work of pressure welding on a regulated product;

"process plant" means a commercial or industrial facility where fluids, gases or solids are processed using pressure and temperature to help generate a manufactured regulated product;

"Provincial designator" means a number added to a CRN by the BPE chief inspector to indicate that the design for which the CRN was issued is a registered design;

"quality program" means a program created by each manufacturer, fabricator, BPE contractor licence holder or BPE certificate of competency (inspections) holder that describes their work

processes, established to address, implement and maintain the requirements of the BPE standards required for a regulated product or regulated work;

"registered design" means a design that is registered with the BPE chief inspector in accordance with Section 9;

"regulated plant" means a plant prescribed in Section 6;

"steam processor" means a pressure vessel used to raise the temperature of any material placed inside by using steam at a pressure higher than 103 kPag (15 psig).

(2) A term defined in Section ~~3~~ [2] of the *Technical Safety General Regulations* made under the Act has the same meaning when used in these regulations.

Regulated products prescribed

3 Except as provided in Section 4, all of the following are prescribed as regulated products under the Act and these regulations:

(a) boiler systems;

(b) pressure equipment.

Products exempted from Act and regulations

4 (1) All of the following products are exempt under subsection 6(2) of the Act from the Act and these regulations:

(a) a boiler system or pressure equipment that is subject to the *Canada Shipping Act* (Canada);

(b) a boiler system or pressure equipment that is subject to requirements made by the federal Department of Transport[, Infrastructure and Communities];

(c) a boiler that has a maximum output capacity of 150 kW (507 104 BTU/hr) or less and has

(i) a steam service with a system safety or relief valve set at a pressure of 103 kPag (15 psig) or lower, or

(ii) a hot water service with a system safety or relief valve set at a pressure of 206.7 kPag (30 psig) or lower;

(d) a boiler system located in a residential building that has 12 dwelling units or fewer;

(e) a boiler that is fully vented to atmosphere and connected to a hot water heating system in which water is heated and circulated with no intervening stop valves between the boiler and the expansion tank;

(f) a pressure vessel operated with a system safety or relief valve set at a pressure of 103 kPag (15 psig) or lower;

(g) a pressure vessel that has a diameter of 610 mm (24 in.) or less and contains both liquid and air, that is used

(i) exclusively for hydraulic purposes at atmospheric temperatures, or

(ii) as a cushion tank in a water pumping system or an expansion tank in a heating system;

(h) a refrigeration plant that has a common, connected refrigerant with a maximum output capacity within a 24-hour period of 11 kW (3 tons) or less;

(i) a pressure vessel that has a diameter of 610 mm (24 in.) or less and is used to store hot water at a temperature of 121 °C (250 °F) or lower;

(j) a pressure piping system with any of the following types of piping or tubing:

(i) piping that is part of a system that is operating at a temperature of 121 °C (250 °F) or lower, and has

(A) a steam service with [a] system safety or relief valve set at a pressure of 103 kPag (15 psig) or lower, or

(B) a water service with [a] system safety or relief valve set at a pressure of 1103 kPag (160 psig) or lower,

(ii) piping or tubing with [a] system safety or relief valve set at a pressure of 690 kPag (100 psig) or lower and a temperature between -29 °C (-20 °F) and 121 °C (250 °F), and the system is used to deliver treated or non-treated domestic water, products for human consumption, glycols, or non-toxic and non-lethal substances that are considered chemically and environmentally benign,

(iii) air piping or tubing that has a system safety or relief valve set at a pressure of 1379 kPag (200 psig) or lower,

(iv) piping or tubing that is part of a breathing air system that is modularized, manufactured and has a certification mark of a recognized certification organization,

(v) piping or tubing used directly in

(A) pneumatically or hydraulically controlled instruments, or

(B) steam tracing,

(vi) refrigeration piping or tubing of a refrigeration system that has a maximum output capacity of 11 kW or less, or air conditioning used for human comfort,

(vii) piping or tubing used for the delivery of fuels directly into a combustion system and subject to the *Fuel Safety Regulations* made under the Act,

(viii) piping or tubing in a piping system used for fire suppression that is subject to the *Fire Safety Act*,

(ix) piping or tubing used to deliver medical and inert gases,

(x) threaded piping of nominal diameter 50 mm (DN50) or 60.33 mm in outside diameter (nominal pipe size 2 in. (NPS 2) or 2.375 in. in outside diameter) or less with a system safety or relief valve set at a pressure of 1034 kPag (150 psig) or lower if it either

(A) meets the BPE standards, or

(B) is a pressure piping system that meets the requirements of the industry standard for the particular pressure piping system as determined by the BPE chief inspector;

(k) a pressure vessel that has a capacity of 42.5 L (1.5 cu. ft.) or less and is included within 1 of the following types or classes:

(i) air starting tank,

(ii) autoclave,

(iii) in-line separator,

(iv) steam jacketed kettle,

(v) steam jacketed sterilizer;

(l) a pressure vessel that is an integral part of a rotating or reciprocating mechanical device, such as a pump, compressor, turbine, generator, engine and hydraulic or pneumatic cylinder, and the primary design considerations or stresses of which are derived from the functional requirements of the device;

(m) a domestic hot water heater that has a diameter of 762 mm (30 in.) or less and is oil, propane or natural gas fired or uses electrical elements, spargers, jackets or coils as a heat source;

(n) a pressure vessel, fitting or pressure piping system at a temperature of 121 °C (250 °F) or lower that is used exclusively for hydraulics.

(2) A pressure vessel that has a capacity of 42.5 L (1.5 cu. ft.) or less and is of a type or class not listed in clause (1)(k) is exempt from the requirement to have a BPE permit in Section 33 but the design must be registered as a fitting under Section 9.

Regulated work prescribed

5 All of the following are prescribed as regulated work under the Act and these regulations:

(a) work performed by a manufacturer in manufacturing a regulated product;

(b) work performed by a fabricator in fabricating a regulated product;

(c) work performed by a contractor in installing a regulated product;

(d) pressure welding for constructing, fabricating, manufacturing, assembling, installing, altering or repairing a regulated product;

(e) inspecting a regulated product;

(f) operating a regulated product;

(g) constructing, manufacturing, fabricating, assembling, installing, altering, making an addition to, maintaining or repairing a regulated product.

Prescribed plants (regulated plants)

6 All of the following are prescribed as a plant under the Act and these regulations:

(a) boiler plants, including heating boiler plants and power boiler plants;

(b) oil refineries;

(c) pressure plants;

(d) process plants;

(e) refrigeration plants.

Recognized certification organizations prescribed

7 A certification organization recognized or accredited by the Standards Council of Canada is prescribed as a recognized certification organization under the Act and these regulations for the purposes that the certification organization is recognized or accredited by the Standards Council of Canada, including the ASME, CSA and NBBI referred to in these regulations.

Registration of Boiler and Pressure Equipment

Owner ensures registration requirements met before inspected, installed or operated in Province

8 (1) An owner of a boiler, pressure vessel, fitting or petroleum furnace coil must pay any applicable BPE fees and ensure that it meets all of the following criteria before it is inspected, installed or operated in the Province:

(a) it has been issued a CRN for its design, drawings and specifications;

(b) its design is registered with the BPE chief inspector;

(c) it complies with all requirements for its registration or use.

(2) An owner of a pressure piping system must pay any applicable BPE fees and ensure that it meets all of the following criteria before it is inspected, installed or operated in the Province:

(a) it has been issued a provincial identification number (PIN) by the BPE chief inspector for its design, drawings and specifications;

(b) its design is registered with the BPE chief inspector;

(c) it complies with all requirements for its registration or use.

Regulated products that require registered designs

9 (1) An owner, owner's representative, manufacturer or fabricator must register with the BPE chief inspector all design drawings, specifications and supporting documentation for any of the following regulated products intended to be operated in the Province:

(a) a boiler;

(b) a fitting to be used on a boiler system or pressure equipment;

(c) a petroleum furnace coil;

(d) a pressure piping system;

(e) a pressure vessel.

(2) A valid registered design may be used to construct any number of the regulated product that it is the registered design for.

(3) Registering a design for a regulated product under these regulations does not relieve an owner, owner's representative, manufacturer or fabricator of their responsibility to comply with the BPE standards for the design and construction of the regulated product.

Re-registration of deficient or cancelled design

10 A registered design that is later found to be deficient or has been cancelled must be revised by the owner, owner's representative, manufacturer or fabricator to the satisfaction of the BPE chief inspector and re-registered before the design can be used.

Canadian Registration Number required

11 **(1)** A CRN with the Provincial designator is required for the design, drawings and specifications for any of the following regulated products before it is manufactured, fabricated, inspected, installed or operated in the Province:

(a) a boiler;

(b) a fitting to be used on a boiler system or pressure equipment;

(c) a petroleum furnace coil;

(d) a pressure vessel.

(2) Before beginning to manufacture or fabricate a regulated product that requires a CRN under subsection (1), an owner must ensure that a CRN with the Provincial designator has been issued for the regulated product.

(3) A regulated product that requires a CRN under subsection (1) must have 1 of the following:

(a) an ASME certificate of authorization;

(b) a quality program acceptable to the BPE chief inspector for the regulated product and any associated regulated work.

Design review for Canadian Registration Number

12 **(1)** For the purpose of this Section, "design review" means a review of drawings and specifications that have been submitted for registration under this Section to compare them against the BPE standards, interpret the design methodology and verify compliance with BPE standards.

(2) A design review for a boiler, pressure vessel, fitting or petroleum furnace coil may be carried out by an organization recognized by the BPE chief inspector.

(3) An organization who conducts a design review may recommend to the BPE chief inspector that the design be accepted and a CRN with Provincial designator be issued.

(4) The BPE chief inspector may accept or decline a recommendation from an organization who conducts a design review.

(5) Following a design review, if the BPE chief inspector is satisfied that the design, drawings and specifications for a regulated product are acceptable the BPE chief inspector must issue a CRN with the Provincial designator for the regulated product.

(6) Only the BPE chief inspector may issue a CRN or add a Provincial designator to a CRN in the Province.

Submitting boiler or pressure vessel design for registration

13 (1) An applicant for registration of a design for a boiler or pressure vessel must submit all of the following together with payment of any applicable BPE fees to the BPE chief inspector:

(a) 2 copies of the drawings and specifications for the design, with a blank space for the registration stamp measuring at least 64 mm x 64 mm (2.5 in. x 2.5 in.) on all printed drawings;

(b) for a design that has been issued a CRN from another Canadian jurisdiction, the name of the jurisdiction where it was issued together with copies of all of the following:

(i) a declaration by the applicant stating the BPE standard, including the relevant edition and addenda dates, that the design complies with,

(ii) all registration information provided in the CRN application in the other jurisdiction and documentation of any revisions made to the design,

(iii) any changes to the design from the design submitted for the CRN application in the other jurisdiction;

(c) a document, with a title block that identifies the boiler or pressure vessel, that includes all of the following information:

(i) the title of the BPE standards, including the relevant edition and addenda dates, that the design for the boiler or pressure vessel complies with,

(ii) the maximum design pressure and temperature and the minimum design metal temperature,

(iii) the ASME specification number for all materials, or the equivalence number supplied by the manufacturer,

(iv) the method used in fabricating the boiler or pressure vessel, including weld joint details,

(v) the details of how the components are arranged and the dimensions and fabrication tolerances of all components,

(vi) the results of any physical tests conducted to establish the working pressure of the boiler or pressure vessel or any part of them,

(vii) what the boiler or pressure vessel is to be used for,

(viii) a listing of the BPE standards for all fittings used to manufacture the boiler or pressure vessel,

(ix) all mechanical design calculations, as required by the BPE standards,

(x) the name plate or stamping facsimile for the boiler or pressure vessel,

(xi) the details of all non-destructive examinations performed on the boiler or pressure vessel,

(xii) the details of all heat treatments conducted on the boiler or pressure vessel,

(xiii) all design pressures and temperature ranges for all materials to be used by the manufacturer and the corresponding maintenance requirements;

(d) for a design that has been revised, the manufacturer's name and location, together with all supplementary drawings and approvals for the boiler or pressure vessel.

(2) All drawings, specifications or information included in an application for registration must be signed by the person responsible for the design to indicate their approval of the drawings, specifications or information.

Submitting pressure piping system design for registration

14 (1) An applicant for registration of [a] design for a pressure piping system must submit all of the following together with payment of any applicable BPE fees to the BPE chief inspector:

(a) 2 copies of the drawings and specifications for the design, with a blank space for the registration stamp measuring at least 64 mm x 64 mm (2.5 in. x 2.5 in.) on all drawings;

(b) for a design that has been issued a CRN from another Canadian jurisdiction, the name of the jurisdiction where it was issued together with copies of all of the following:

(i) a declaration by the applicant stating the BPE standards, including the relevant edition and addenda dates, that the design complies with,

(ii) all registration information provided in the CRN application in the other jurisdiction and documentation of any revisions made to the design,

(iii) any changes to the design from the design submitted for the CRN application in the other jurisdiction;

(c) flow or line diagrams showing the general arrangement of all boilers, pressure vessels, pressure piping systems, fittings and provisions made for expansion and anchor points;

(d) a list identifying all the pipelines in the system, that shows the maximum operating pressures and temperatures for each part of the system;

(e) a list of pressure relief valves used in the pressure piping system, including the pressure settings for the system;

(f) material specifications, size, schedule and primary service rating of all pressure pipe fittings;

(g) a list of the BPE standards for all fittings used to manufacture the pressure piping system;

(h) the method used in fabricating the pressure piping system, including weld joint details or welding symbols;

(i) any information the BPE chief inspector considers necessary to review the design and determine if it is acceptable for registration.

(2) All drawings, specifications or information included in an application for registration must be signed by either the owner of the design or the manufacturer.

Submitting petroleum furnace coil design for registration

15 (1) An applicant for registration of a design for a petroleum furnace coil must submit all of the following together with payment of any applicable BPE fees to the BPE chief inspector:

(a) 2 copies of the drawings and specifications for the design, with a blank space for the registration stamp measuring at least 64 mm x 64 mm (2.5 in. x 2.5 in.) on all drawings;

(b) for a design that has been issued a CRN from another Canadian jurisdiction, the name of the jurisdiction where it was issued together with copies of all of the following:

(i) a declaration by the applicant stating the BPE standards, including the relevant edition and addenda dates, that the design complies with,

(ii) all registration information provided in the CRN application in the other jurisdiction and documentation of any revisions made to the design,

(iii) any changes to the design from the design submitted for the CRN application in the other jurisdiction;

(c) the design calculations and a list of the BPE standards used as the basis for the design of the petroleum furnace coil.

(2) All submitted drawings, specifications or information included in an application must be signed by either the owner of the design or the manufacturer.

(3) The design of a petroleum furnace coil may be submitted for registration as a submission for a pressure piping system.

Submitting fitting design for registration

16 (1) An applicant for registration of a design for a fitting must submit all of the following together with payment of any applicable BPE fees to the BPE chief inspector:

(a) 2 copies of the drawings and specifications for the design, with a blank space for the registration stamp measuring at least 64 mm x 64 mm (2.5 in. x 2.5 in.) on all drawings;

(b) for a design that has been issued a CRN from another Canadian jurisdiction, the name of the jurisdiction where it was issued together with copies of all of the following:

(i) a declaration by the applicant stating the BPE standards, including the relevant edition and addenda dates, that the design complies with,

(ii) all registration information provided in the CRN application in the other jurisdiction and documentation of any revisions made to the design,

(iii) any changes to the design from the design submitted for the CRN application in the other jurisdiction;

(c) 2 copies of a statutory declaration by the manufacturer attesting to all of the following:

(i) the category of the fitting, according to the categories listed in the edition of the Canadian Standards Association standard CSA B51 *Boiler, Pressure Vessel and Pressure Piping Code* adopted by the Minister in the *Technical Safety Standards Regulations* made under the Act;

(ii) a list of the BPE standards used as the basis for the design of the fitting;

(d) sizes and thickness of material indicated on all design, drawings and specifications for the fitting;

(e) for all materials used in the fitting, the composition, tensile strength, and compressive strength of all parts that are subject to compression;

(f) the pressure to which a sample fitting was tested by the manufacturer and the pressure at which a sample fitting ruptured if tested to destruction;

(g) the maximum allowable working pressure and temperature for the fitting;

(h) for each type and size of category-related pressure-relieving fitting to be registered, rating sheets with NBBI authorization;

(i) proof that the applicant has a quality program in place for the fitting being made and any associated regulated work that is acceptable to the BPE chief inspector, as required by clause 11(3)(b).

(2) All drawings, specifications or information submitted in an application must be signed by either the owner of the design or the manufacturer.

(3) A design for a fitting submitted for registration must be identified in accordance with a marking system that is acceptable to the BPE chief inspector.

(4) The BPE chief inspector may require that samples of a fitting whose design is submitted for registration be sent to the BPE chief inspector at the expense of the applicant.

(5) Any samples of a fitting sent to the BPE chief inspector may be retained by the BPE chief inspector or returned to the applicant at the applicant's expense.

Registered design of fitting cancelled for faulty fittings

17 (1) The BPE chief inspector may test any fittings in a manufacturer's or agent of the manufacturer's stock that have a registered design.

(2) If testing of fittings made from a registered design shows the fittings to be faulty, the BPE chief inspector may cancel the registration of the design for the fitting.

Expiry and renewal of registered design for fitting

18 (1) A registered design for a fitting is valid for 10 years unless cancelled by the BPE chief inspector or rendered obsolete by a change in these regulations or the BPE standards.

(2) An application to renew a registered design for a fitting may be made by following the procedure to register a new design for a fitting in Section 16.

Cancellation of registered design

19 (1) The BPE chief inspector may cancel a registered design for a regulated product if a manufacturer is supplying a regulated product that does not comply with all requirements for its registration and use.

(2) A registered design is deemed to be cancelled and cannot be used to manufacture or fabricate the regulated product if the design does not comply with the applicable BPE standards at the time of manufacturing or fabricating.

Manufacturing, Fabricating and Installing

Certification mark, stamping and nameplates

20 (1) A contractor installing a regulated product, a manufacturer or a fabricator must ensure that a regulated product meets all of the following before it is installed or operated in the Province:

(a) it is designed, manufactured and constructed to BPE standards;

(b) it is manufactured and constructed to the requirements of the registered design;

(c) it bears a certification mark required by the BPE standards or another stamp acceptable to the BPE chief inspector;

(d) it is stamped with its CRN and Provincial designator.

(2) Certification marks, stamping and nameplates must meet the requirements of the BPE standards.

Inspection openings

21 (1) Except as provided in subsection (2), a manufacturer of a boiler or pressure vessel or a contractor installing a boiler or pressure vessel must ensure that there are inspection openings on a boiler or pressure vessel that enable the internal surfaces of the boiler or pressure vessel to be accessed and viewed for inspection.

(2) A manufacturer or contractor is exempt from subsection (1) if all of the following apply:

(a) the exemption is permitted by the BPE standards;

(b) all criteria in the BPE standards allowing and compensating for the exemption have been met.

(3) Except as provided in subsection (4) for inspection openings designed and intended for human entry, inspection openings on a boiler or pressure vessel must meet the dimensions and be located on the equipment as set out in the BPE standards.

(4) Inspection openings that are designed and intended for human entry, such as manways, must be no smaller than the following:

(a) 406 mm (16 in.) in diameter; or

(b) an oval 305 mm x 406 mm (12 in. x 16 in.).

Inspections of regulated product during manufacture and before installation

22 (1) A manufacturer must ensure that a regulated product manufactured in the Province or intended to be installed or operated in the Province is inspected during manufacturing as required by the BPE standards and these regulations, and that inspections are performed as required by these regulations.

(2) The BPE chief inspector may require [that] a regulated product be inspected at any stage of the manufacturing or installation.

(3) A manufacturer must pay any applicable BPE fees for inspection services required under these regulations during manufacture or before installation.

Who performs inspections during manufacture and before installation

23 (1) Inspections of a regulated product manufactured in the Province must be performed by an authorized individual employed by the Province.

(2) Before a regulated product that is manufactured in another Canadian jurisdiction and intended to be installed or operated in the Province is brought into the Province, all inspections required for the regulated product must be performed by a boiler inspector in the jurisdiction where the regulated product is being built.

(3) Before a regulated product that is manufactured in [a] jurisdiction outside Canada and intended to be installed or operated in the Province is brought into the Province, all inspections required for the regulated product must be performed by an authorized individual or another person with authorization from a recognized certification organization.

Registration of regulated product manufactured outside Canada with NBBI

24 For a regulated product that is manufactured outside Canada, the manufacturer, the fabricator or a contractor installing the regulated product must register the boiler or pressure vessel with the NBBI before it is installed or operated in the Province whenever NBBI provides for the registration of that type of boiler or pressure vessel.

Manufacturer's data report for regulated product inspected during manufacture

25 (1) Before a regulated product that is required to be inspected during manufacture under Section 22 is installed or operated in the Province, a manufacturer or a fabricator must file a manufacturer's data report with the BPE chief inspector for the regulated product and ensure that the report is signed by a person required to conduct the inspections in Section 23.

(2) A manufacturer's data report must be signed and certified by the manufacturer or fabricator, must be in the format described in the manufacturer's or fabricator's quality program for the regulated product in clause 11(3)(b) and must include all of the following information:

(a) the respective responsibilities for designing and constructing the regulated product for each person involved in designing manufacturing or fabricating it;

(b) a description of the regulated product manufactured;

(c) except as provided in subsection (3), the name of the owner of the regulated product and the location where the regulated product will be installed and operated.

(3) A manufacturer or fabricator may omit the owner's name and the location of a regulated product from a manufacture[r]'s data report if the regulated product is not yet sold, but the representative of the manufacturer or fabricator in Province must fill in the information and re-file the report with the BPE chief inspector when the regulated product is sold by the manufacturer, fabricator or the representative.

Operation, Maintenance and Inspections

Conformance with BPE standards and industry standards

26 (1) Except as provided in subsection (2), an owner of a regulated product or any person working with or on a regulated product or at a regulated plant must ensure that any regulated work done in respect of the regulated product or regulated plant is in conformance with the BPE standards and these regulations.

(2) If the BPE chief inspector determines that the BPE standards are not applicable to a pressure piping system used in connection with a boiler, pressure equipment or prescribed plant, the owner of the system or any person performing regulated work with or on the system must ensure that the work is in conformance with the requirements of the industry standard for the pressure piping system as determined by the BPE chief inspector and these regulations.

Fittings

27 (1) An owner must ensure that a fitting that provides the direct connection of instrumentation that forms part of a pressure boundary and is an integral part of pressure equipment installed under these regulations is of a type that can be registered with the BPE chief inspector and conforms to the construction and test requirements of the BPE standards.

(2) An owner must ensure that all fittings attached to a new boiler or pressure vessel or installed in any pressure piping system comply with all requirements for its registration and use.

(3) An owner must ensure that all fittings on existing installations that are found on inspection to be unsafe are replaced with fittings that comply with all requirements for the installation's registration and use.

Maintenance and inspections

28 (1) An owner of a regulated product must keep the regulated product properly maintained and inspected as required in this Section.

(2) An owner of a boiler with a maximum output capacity of 150 kW (507 104 BTU/hr) or greater at 103 kPag (15 psig) of steam or lower, or operating at a pressure of 206.7 kPag (30 psig) of hot water or lower, must ensure that the boiler is either

(a) inspected by a boiler inspector as directed by the BPE chief inspector; or

(b) given an acceptable condition report that is completed and signed by an oil burner mechanic or gas technician authorized under the *Fuel Safety Regulations* made under the Act and provided to the BPE chief inspector.

(3) An owner of a boiler operating at a pressure of 103 kPag (15 psig) of steam or higher, or a pressure of 206.7 kPag (30 psig) of hot water or higher, must ensure that the boiler is inspected by a boiler inspector as directed by the BPE chief inspector.

(4) The BPE chief inspector may inspect a regulated product whenever the BPE chief inspector considers it necessary.

(5) An owner of a regulated product is responsible for paying the BPE fees for any inspection conducted under subsection (4).

Boilers and pressure vessels of riveted construction

29 **(1)** A contractor who repairs or alters a boiler or pressure vessel of riveted construction must hold a BPE contractor licence.

(2) Twenty years after a boiler or pressure vessel of riveted construction is installed, the factor of safety required for the boiler or pressure vessel must be increased by at least 0.1 each year regardless of whether it was installed before or after the date these regulations come into force.

(3) A boiler or pressure vessel of riveted construction that has a diameter larger than 920 mm (36 in.) and that has been relocated must not be operated at a pressure higher than 100 kPag (15 psig).

(4) A boiler or pressure vessel of riveted construction must not be used if it does not meet the pressure service requirements for the boiler or pressure vessel.

Hobby boilers

30 **(1)** In this Section, "hobby boiler" means a boiler used primarily for historical interest, education or public entertainment such as in a museum, fair, exhibition, parade or other form of public display, and includes an antique boiler, locomotive boiler or traction boiler used primarily for those purposes.

(2) Despite the requirement for a boiler to be inspected by an authorized individual in Section 23, the owner of a hobby boiler is only required to ensure that the hobby boiler is initially inspected by a boiler inspector and in accordance with Section 28.

(3) An owner of a hobby boiler must ensure that any steam engine or equipment connected to the boiler is in safe working order before and while the boiler is operated.

(4) Section 29 does not apply to a hobby boiler.

Compliance audits

31 An owner of a regulated product or a person performing regulated work must make any information requested by a BPE inspector available for review for a compliance audit, including all of the following:

(a) the quality program for the regulated product or regulated work;

(b) records of all action taken under the quality program for the regulated product or regulated work;

(c) evidence or records of compliance with all requirements for registration of a regulated product;

(d) the pressure welder proficiency test certified test results for any pressure welder who works on a regulated product;

(e) any pressure welder history log for any pressure welder who worked on a regulated product.

Notice of incident under Section 13 of Act

32 The notice of an incident required under Section 13 of the Act involving a regulated product must be given by telephone, fax or e-mail no later than 24 hours after the incident occurred and must be followed by a written report if required by the Administrator or the Administrator's designate.

BPE Permits

BPE permit required

33 (1) Except as provided in subsections (2) and (4), a person must obtain a BPE permit to perform any of the following regulated work:

(a) construct a regulated product;

(b) install a regulated product;

(c) alter, repair or make additions to a regulated product;

(d) change the location of a boiler, boiler system or non-portable pressure vessel.

(2) A BPE permit is not required for routine maintenance or overhaul of a component of a pressure system if all of the following conditions are met:

(a) the routine maintenance or overhaul is included in the BPE contractor licence holder's quality program for the regulated product or regulated work;

(b) a quality program for the pressure system has been filed and accepted by the BPE chief inspector as required by subsection 53(1).

(4)* An owner of a regulated product is exempt from the requirement to obtain a BPE permit for the installation of the regulated product if the regulated product meets all of the following criteria:

(a) it was within the scope of and authorized under the *Steam Boiler and Pressure Vessel Act* and the *Steam Boiler and Pressure Vessel Regulations* made under that Act;

(b) it was installed before the date these regulations come into force.

(3)* The BPE chief inspector determines what constitutes routine maintenance or overhaul in subsection (2).

[*subsection numbering as in original]

Applying for BPE permit

34 (1) An application for a BPE permit must be accompanied by payment of the applicable BPE fees and include all of the following:

(a) a written description of the regulated work to be done;

(b) the drawings for the regulated work to be done;

(c) the particulars of the machinery and components to be used;

(d) the applicant's BPE contractor licence number.

(2) Only a BPE contractor licence holder may be granted a BPE permit.

(3) Before granting a BPE Permit, the BPE chief inspector must see and approve all of the drawings for the regulated work to be done.

(4) The BPE chief inspector may impose any terms or conditions on a BPE permit that the BPE chief inspector considers necessary.

Displaying BPE permit while regulated work done

35 While regulated work is being done, a BPE permit holder must display the BPE permit for the regulated work at the site where it is being done.

Expiry and renewal of BPE permit

36 (1) A BPE permit is valid until the expiry date specified on the permit unless it is suspended or revoked earlier by the BPE chief inspector.

(2) A holder of a BPE permit that has expired or will soon expire may reapply for a BPE permit under Section 34 by submitting their BPE permit number and any information required by that Section as determined by the BPE chief inspector.

Notifying BPE chief inspector when regulated work completed

37 A BPE permit holder must notify the BPE chief inspector when the regulated work authorized by their BPE permit is completed.

BPE permit non-transferable

38 A BPE permit is not transferable and may be used only by the BPE contractor licence holder who is granted the permit.

Notice of change of location of boiler, boiler system or non-portable pressure vessel

39 (1) An owner or vendor of a boiler, boiler system or non-portable pressure vessel must notify the BPE chief inspector no later than 30 days after the boiler, boiler system or non-portable pressure vessel is removed from the original location if it is relocated

(a) from within the Province to another location in the Province; or

(b) from outside the Province to a location in the Province.

(2) A notice of relocation required by clause (1)(b) must include the following:

(a) all design data and manufacturer's data for the regulated product being relocated;

(b) 1 of the following:

(i) an annual inspection record, maintenance, repair, alteration and upset record,

(ii) an inspection certificate prepared within the 6 months immediately before the regulated product entered the Province that is signed by a boiler inspector employed by the authority having jurisdiction in the jurisdiction where the boiler, boiler system or non portable pressure vessel was originally located, and details [of] all of the following:

(A) an internal inspection,

(B) [an] external inspection,

(C) a pressure test to at least the maximum allowable working pressure.

Equipment Licences

Equipment licence required

40 A person must hold an equipment licence to use or operate a boiler, pressure vessel or refrigeration plant, or to cause or permit a boiler, pressure vessel or refrigeration plant to be used or operated.

Applying for equipment licence

41 An application for an equipment licence must be accompanied by payment of the applicable BPE fee and include all of the following:

(a) a written description of the boiler, pressure vessel or refrigeration plant to be operated;

(b) the location of the boiler, pressure vessel or refrigeration plant to be operated;

(c) the BPE permit number for fabricating or installing the boiler, pressure vessel or refrigeration plant.

Displaying equipment licence at location

42 An equipment licence holder must display the equipment licence with the boiler, pressure vessel or refrigeration plant that the licence authorizes to be operated or at another location approved by the BPE chief inspector.

Expiry and renewal of equipment licence

43 (1) An equipment licence is valid until the expiry date specified on the licence unless it is suspended or revoked earlier by the BPE chief inspector.

(2) A holder of an equipment licence that has expired or will soon expire may reapply for an equipment licence under Section 41 by submitting their equipment licence number and any information required by that Section as determined by the BPE chief inspector.

Equipment licence non-transferable

44 An equipment licence is not transferable and may be used only by the person who is granted the licence.

BPE Contractor Licence

BPE contractor licence required

45 A person must not perform or employ a person to perform any of the following regulated work without a BPE contractor licence:

(a) work as a manufacturer, fabricator, installer or contractor on a regulated product;

(b) work to repair or alter a regulated product;

(c) pressure welding on a regulated product;

(d) conducting pressure welder proficiency tests;

(e) work as part of an organization involved in fabricating, installing, repairing or altering a regulated product.

Producing BPE contractor licence on request

46 (1) A holder of a BPE contractor licence must produce their licence for review when requested by a BPE inspector.

(2) Failing to produce a BPE contractor licence when requested by a BPE inspector is *prima facie* evidence that the person does not hold a BPE contractor licence.

Applying for BPE contractor licence

47 **(1)** An application for a BPE contractor licence must be accompanied by payment of the BPE fees and include a quality program in Section 53 acceptable to the BPE chief inspector for any regulated product or any regulated work to be carried out.

(2) The BPE chief inspector may impose any terms or conditions on a BPE contractor licence that the BPE chief inspector considers necessary.

Keeping BPE chief inspector informed of scope of regulated work

48 A BPE contractor licence holder must keep the BPE chief inspector informed of the scope of the regulated work being carried out under their licence.

Pressure welding procedure

49 **(1)** A pressure welding employer must ensure that a pressure welding procedure that meets the requirements in this Section is in place.

(2) A pressure welding procedure must be prepared, tested and certified in accordance with the BPE standards and registered with the BPE chief inspector.

(3) A pressure welding procedure that is prepared within the Province must be approved by the BPE chief inspector.

(4) A pressure welding procedure that is prepared outside the Province must be approved by the authority having jurisdiction for that jurisdiction and a record of the approval must be submitted to the BPE chief inspector.

Pressure welding proficiency tests conducted

50 **(1)** A pressure welding employer must conduct a pressure welding proficiency test of each individual who is to be employed by them to perform pressure welding, using an approved pressure welding procedure and in the presence of a BPE inspector.

(2) A pressure welding employer must keep records of the data from completed pressure welder proficiency tests and have it available to be inspected if requested by a BPE inspector.

Pressure welding employer to ensure requirements for pressure welding met

51 **(1)** Only a BPE contractor licence holder can be a pressure welding employer.

(2) A pressure welding employer must ensure that an employee does not perform pressure welding for them unless all of the following are met:

(a) the employee holds a pressure welder licence that authorizes the regulated work;

(b) the employer is the employer named on the welder’s pressure welder licence.

(3) A pressure welding employer must not permit pressure welding to be done on any regulated product unless the requirements for pressure welding in Sections 56 to 69 are met.

Quality of pressure welding work and welds

52 (1) The BPE inspector may require a non-destructive examination of any pressure weld or pressure welder's work that the BPE inspector considers to be of questionable quality.

(2) A BPE contractor licence holder must ensure that a defective weld identified by a non-destructive examination is repaired and its quality verified by further non-destructive examination until a BPE inspector is satisfied with the quality of the weld.

BPE contractor licence holder quality program

53 (1) A BPE contractor licence holder must file with the BPE chief inspector a quality program for any regulated products or regulated work to be carried out and have it accepted by the BPE chief inspector.

(2) A BPE contractor licence holder must implement a quality program accepted under subsection (1) to the satisfaction of the BPE chief inspector.

(3) A BPE contractor licence holder quality program must include a written manual in which all action taken under the program is recorded.

(4) A pressure welding employer must include a method for tracking a pressure welder's history in their quality program under subsection (1).

(5) To meet the requirement in subsection (4), a pressure welding employer may create and maintain a pressure welder history log for each pressure welder in their employ to ensure the pressure welder's continuity and that a pressure welder undergoes a pressure welder proficiency test as required by Section 50.

Expiry and renewal of BPE contractor licence

54 (1) A BPE contractor licence is valid until the expiry date provided on the licence unless it is suspended or revoked earlier by the BPE chief inspector.

(2) A holder of a BPE contractor licence that has expired or will soon expire may reapply for a BPE contractor licence under Section 47 by submitting their BPE contractor licence number and any information required by that Section as determined by the BPE chief inspector.

BPE contractor licence non-transferable

55 A BPE contractor licence is not transferable and may be used only by the person who is granted the licence.

Pressure Welding

Pressure welder licence required

56 (1) A person must hold a pressure welder licence in the appropriate class to weld on any regulated product except if

(a) they are deemed to hold a licence under Section 52 of the Act; or

(b) they are exempted under subsection (2).

(2) An individual who works exclusively as a welding operator on fully automatic equipment is exempt from the requirement to have a pressure welder licence in subsection (1).

Classes of pressure welder licences

57 The 2 classes of pressure welder licences are as follows:

(a) pressure welder (pressure plate) licence;

(b) pressure welder (pressure piping) licence.

Information on welder licence

58 A pressure welder licence must specify all of the following:

(a) the class of the licence;

(b) the scope of the work authorized by the licence, including the welding methods, processes, positions and thickness ranges;

(c) the name of the pressure welding employer the licensee is authorized to perform pressure welding for;

(d) any terms or conditions for the licence.

Producing pressure welder licence on request

59 (1) A person conducting the work of a pressure welder must produce their pressure welder licence for review when requested by a BPE Inspector.

(2) Failing to produce a pressure welder licence that names the pressure welding employer and is of the correct class and scope of work for the work being conducting is *prima facie* evidence that the person does not hold the correct pressure welder licence for the work.

Pressure welder proficiency test

60 (1) Except as provided in subsection 65(3), an applicant for a pressure welder licence must successfully complete a pressure welder proficiency test for the class and in all welding methods, processes, positions and thickness ranges to be included in the scope of practice of the licence they are applying for.

(2) A pressure welding employer must ensure that all of the following are done when conducting a pressure welder proficiency test for an applicant for a pressure welder licence:

(a) the results are recorded on the application in a format set by the BPE chief inspector;

(b) the test is conducted before establishing a pressure welder history log for the applicant;

(c) the test is witnessed and the results approved by a BPE inspector;

(d) the test is completed in accordance with the pressure welding procedure registered to the pressure welding employer under subsection 49(2);

(e) the test is completed in accordance with the BPE standards and the welding methods, processes, positions and thickness ranges are within those required for the regulated work that the pressure welding employer is authorized to perform.

(3) A BPE inspector may require a pressure welder to retake a pressure welder proficiency test if the BPE inspector questions the quality of the pressure welder's work.

Applying for pressure welder proficiency test (pressure plate)

61 An applicant for a pressure welder proficiency test leading to a pressure welder (pressure plate) licence must pay the applicable BPE fees and provide proof satisfactory to the BPE chief inspector that they meet the qualifications in Section 62.

Qualifications for pressure welder proficiency test (pressure plate)

62 An applicant for a pressure welder proficiency test leading to a pressure welder (pressure plate) licence must be employed by a pressure welding employer who holds a BPE contractor licence and must meet 1 of the following practical and educational qualifications:

(a) hold a journeyperson status in welding or an Interprovincial Standards (Red Seal) Program certificate of qualification in welding issued by the Canadian Council of Directors of Apprenticeship;

(b) have successfully ~~completes~~ [completed] a welding diploma program recognized by the BPE chief inspector;

(c) have completed at least 1 year of practical experience in welding;

(d) have been issued a welding qualification by a recognized certification organization for welding testing or an authority having jurisdiction for all of the welding methods, processes, positions and thickness ranges they are applying to be tested on.

Applying for pressure welder proficiency test (pressure pipe)

63 An applicant for a pressure welder proficiency test leading to a pressure welder (pressure pipe) licence must pay the applicable BPE fees and provide proof satisfactory to the BPE chief inspector that they meet the qualifications in Section 64.

Qualifications for pressure welder proficiency test (pressure pipe)

64 An applicant for a pressure welder proficiency test leading to a pressure welder (pressure pipe) licence must be employed by a pressure welding employer who holds a BPE contractor licence and must meet the following qualifications:

(a) have successfully completed a preliminary welder proficiency test conducted by a BPE inspector;

(b) 1 of the following practical and educational qualifications:

(i) hold a journeyperson status in welding or an Interprovincial Standards (Red Seal) Program certificate of qualification in welding issued by the Canadian Council of Directors of Apprenticeship,

(ii) have successfully completed a pressure pipe welding course recognized by a recognized certification organization,

(iii) have completed at least 2 years of practical experience in welding that includes open root welding,

(iv) have been issued a pressure pipe welding qualification by a recognized certification organization for welding testing or an authority having jurisdiction, for all the welding methods, processes, positions and thickness ranges they are applying to be tested on.

Applying for pressure welder licence

65 **(1)** A BPE contractor may apply to the BPE chief inspector on behalf of an employee for a pressure welder licence for the employee.

(2) An application for a pressure welder licence for an individual must include the applicable BPE fees and all of the following:

(a) except as provided in subsection (3), proof that the individual has successfully completed a pressure welder proficiency test under these regulations for the class and in all welding methods, processes, positions and thickness ranges to be included in the scope of the pressure welder licence applied for;

(b) the name of the individual's pressure welding employer and the employer's BPE contractor licence number.

(3) An individual who is a qualified welder, brazer or welding operator under the *Steam Boiler and Pressure Vessel Act* and the *Steam Boiler and Pressure Vessel Regulations* on the date these regulations come into force is exempt from the requirement to take a pressure welder proficiency test under Section 60 to apply for a pressure welder licence if their application includes all of the following in addition to subsection (2):

(a) the individual's existing qualification;

(b) evidence satisfactory to the BPE chief inspector that the individual has experience equal to that required for a pressure welder proficiency test in the class and in all welding methods and processes and for each position and thickness range to be included in the scope of the pressure welder licence applied for.

Card with information about pressure welder licence

66 The BPE chief inspector must provide a pressure welding employer named on a pressure welder's licence with a card that has information about the pressure welder licence so that the employer can make a copy of the card before giving the card to the pressure welder.

Welding restricted to named pressure welding employer

67 **(1)** A pressure welder must not perform pressure welding for an employer other than the pressure welding employer named on their pressure welder licence.

(2) If a pressure welder wants to change the employer named on their pressure welder licence, the BPE contractor licence holder who is the new employer must apply to the BPE chief inspector on behalf of the pressure welder for the change.

(3) A BPE contractor licence holder applying under subsection (2) must state the welding methods and processes, positions and thickness ranges required for the regulated work that their business is authorized to perform.

Expiry and renewal of pressure welder licence

68 **(1)** A pressure welder licence is valid until the expiry date specified on the licence unless it is suspended or revoked earlier by the BPE chief inspector.

(2) A BPE contractor licence holder may apply under Section 65 to renew an employee's pressure welder licence.

Pressure welder licence non-transferable

69 A pressure welder licence is not transferable and may be used only by the person who is granted the licence.

BPE Certificate of Competency (Inspections)

BPE certificate of competency (inspections) required

70 An individual must hold a BPE certificate of competency (inspections) to be a boiler inspector and perform the regulated work of inspections for certification of boilers, pressure vessels or pressure piping systems.

Applying for BPE certificate of competency (inspections)

71 An applicant for a BPE certificate of competency (inspections) must submit payment of any applicable BPE fees together with proof satisfactory to the BPE chief inspector of all of the following to the BPE chief inspector:

(a) that the applicant meets the qualifications in Section 72;

(b) that the applicant has sufficient education and experience with pressure equipment.

Qualifications for BPE certificate of competency (inspections)

72 An applicant for a BPE certificate of competency must meet all of the following qualifications:

(a) they must be employed by 1 of the following:

(i) the Province or a recognized authority having jurisdiction in a jurisdiction outside the Province,

(ii) an insurance company that provides insurance coverage for boilers,

(iii) an owner or user of a regulated product who has implemented a quality program that is registered with the Province;

(b) they must meet 1 of the following experience requirements:

(i) they hold ~~a~~ [an] NBBI commission or ~~a~~ [an] API 510 certification through the American Petroleum Institute (API) that was issued in the 5 years immediately before their application,

(ii) they have passed either the NBBI commission exam or the API 510 certification process in the 5 years immediately before their application,

(iii) they have been recognized as a boiler standards safety officer by an authority having jurisdiction in a jurisdiction outside the Province in the 5 years immediately before their application.

Producing BPE certificate of competency (inspections) when requested

73 (1) A BPE certificate of competency (inspections) holder must produce their certificate of competency for review when requested by a BPE inspector.

(2) Failing to produce a BPE certificate of competency (inspections) when requested is *prima facie* evidence that the person does not hold a BPE certificate of competency (inspections).

Term of BPE certificate of competency (inspections)

74 **(1)** A BPE certificate of competency (inspections) is valid unless suspended or revoked by the BPE chief inspector.

(2) The BPE chief inspector may refuse to grant a BPE certificate of competency (inspections) if it would be contrary to the Act, these regulations, the BPE standards, or a term or condition of the certificate of competency.

(3) The BPE chief inspector may suspend or revoke a BPE certificate of competency (inspections) if the holder acts contrary to the Act, these regulations, the BPE standards, or a term or condition of the certificate of competency

BPE certificate of competency non-transferable

75 A BPE certificate of competency (inspections) is not transferable and may be used only by the individual who is granted the certificate of competency.

Individual assisting with inspections

76 **(1)** To be assisted in their inspections by an individual, a BPE certificate of competency (inspections) holder must file with the BPE chief inspector a quality program for individuals assisting in the performing of the regulated work of conducting inspections and have it accepted by the BPE chief inspector.

(2) A BPE certificate of competency (inspections) holder must implement a quality program accepted under subsection (1) to the satisfaction of the BPE chief inspector.

(3) A BPE certificate of competency (inspections) holder being assisted in their inspections by an individual must ensure that subsections (1) and (2) are complied with and that all of the following conditions are met:

(a) the BPE certificate of competency (inspections) holder is directly involved in the inspection;

(b) a BPE certificate of competency (inspections) holder is present at the site of the inspection;

(c) the individual assisting in inspections is trained in conducting inspections.

Other Jurisdictions

Recognition of authorization from other jurisdiction

77 **(1)** An individual who holds an authorization to perform regulated work from an authority having jurisdiction in a jurisdiction outside the Province or from a recognized certification organization may apply to the BPE chief inspector for an equivalent authorization under the Act and these regulations.

(2) An individual described in subsection (1) may be granted an equivalent authorization under the Act and these regulations if the individual pays the applicable BPE fee and submits all of the following to the BPE chief inspector:

(a) a valid authorization from the other jurisdiction;

(b) proof satisfactory to the BPE chief inspector that the individual meets the following requirements:

(i) they have experience and qualifications equivalent to the requirements under the Act and these regulations for the authorization the individual is applying for,

(ii) if the licence applied for is a pressure welder licence, they have successfully completed the pressure welder proficiency test in the class and in the welding methods and procedures and for each position and thickness range to be included in the scope of work of the pressure welder licence.

Offences

Fraudulent use of authorization

78 A person must not make fraudulent use of a certificate of competency, licence or permit under these regulations.

Incompetence or gross negligence

79 A person who holds a certificate of competency, licence or permit under these regulations must not act incompetently or with gross negligence when acting under the authority of their certificate of competency, licence or permit.

N.S. Reg. 11/2011

Made: January 18, 2011
Filed: January 20, 2011

Fuel Safety Regulations

Order in Council 2011-28 dated January 18, 2011
Regulations made by the Governor in Council
pursuant to Section 49 of the *Technical Safety Act*

The Governor in Council on the report and recommendation of the Minister of Labour and ~~Advanced Education~~ [Workforce Development] dated December 15, 2010, and pursuant to Section 49 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*, is pleased, effective on and after April 1, 2011 to:

(a) repeal the *Fuel Safety Regulations*, N.S. Reg. 186/2006, made by Governor in Council by Order in Council 2006-421 dated September 29, 2006; and

(b) make new regulations respecting fuel safety in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Regulations Respecting Fuel Safety
made by the Governor in Council under Section 49
of Chapter 10 of the Acts of 2008, the *Technical Safety Act*

Interpretation and Application

Citation

1 These regulations may be cited as the *Fuel Safety Regulations*.

Definitions

2 (1) In these regulations,

"Act" means the *Technical Safety Act*;

"appliance" means a device that uses gas or oil for fuel to provide service to the user of the device;

"apprentice" means an apprentice registered under the *Apprenticeship and Trades Qualifications Act* and enrolled in a program under that Act to qualify for a certificate of qualification as a gas fitter or an oil heat system technician;

"apprenticeship identification card" means an identity card issued under the *Apprenticeship and Trades Qualifications Act* to an apprentice under that Act;

"business installation inspection program" means an audit inspection program for gas installations and alterations that is created and implemented by a class 2A contractor gas business licence holder to provide reasonable verification that the regulated work meets the requirements of the FS standards, and that is approved by the FS chief inspector;

"BTU/hr" means British thermal units per hour;

"certified", in relation to an appliance, container, supply tank or equipment, means that the appliance, container, supply tank or equipment has received either

(i) certification under Section 25 of the Act, shown by the certification mark issued by the recognized certification organization and displayed on the appliance, container, supply tank or equipment, or

(ii) field certification.

"certified conversion kit" means an assembly of parts with detailed conversion instructions, certified by a recognized certification organization and ~~is~~ used for the conversion of an appliance from one form of fuel to another;

"complete and legible rating plate" means a plate, label or mark bearing an appliance rating as defined in the FS standard applicable to that appliance, and includes a recognized certification organization label or mark;

"container" means a cylinder or a tank used to store or supply propane or natural gas;

"direct supervision", in relation to a trainee, means that the trainee is supervised by a ~~licenced~~ [licensed] individual who

(i) is physically at the property,

(ii) has control over the trainee's activities,

(iii) instructs and directs the trainee, and

(iv) is in direct communication with the trainee when the trainee is performing the duties of a licence holder;

"dispensing unit" means a facility for filling propane containers that uses storage tanks with an aggregate capacity of 5000 USWG or less, and includes a facility commonly known to the propane industry as a service station;

"equipment" means the accessories necessary to provide gas or oil for an appliance or to process the gas or oil for use in an appliance, and includes any item that contains or processes the gas or oil to make it suitable or available for use in an appliance;

"equipment failure" means any unplanned interruption or variance from the specifications for equipment that results in the equipment no longer being available for use or requiring repair or replacement;

"field certification" means certification of a regulated product for use at a specific site in accordance with subsection 12(3);

"FS certificate of competency" means a certificate of competency granted to an individual under Section 26 of the Act by the FS chief inspector in recognition of the individual's qualifications to perform the regulated work specified in the certificate of competency;

"FS chief inspector" means the inspector designated as the chief inspector for the purposes of the Act and these regulations;

"FS fees" means the fees for fuel safety services set by the Minister in the *Technical Safety Fees Regulations* made under the Act;

"FS inspector" means an inspector designated for the purposes of the Act and these regulations;

"FS standards" means the standards for fuel safety established or adopted by the Minister in the *Technical Safety Standards Regulations* made under the Act;

"gas" means gas as defined in the FS standards and includes digester gas and landfill gas;

"gas business licence" means a licence granted to a person under Section 23 of the Act that authorizes the person to perform the regulated work in Section 39 as specified in the licence;

"gas operator" means an individual who holds a gas operator licence;

"gas operator licence" means a licence granted to an individual under Section 23 of the Act that authorizes the individual to perform the regulated work of a gas operator in Section 66 and 70 as specified in the licence;

"gas permit" means a permit granted to a person under Section 24 of the Act by the FS chief inspector that authorizes the person to perform the regulated work of installing or altering a regulated product under Section 18 as specified in the permit;

"gas registration" means a registration accepted by an FS inspector under Section 22 of the Act to perform the regulated work of installing or altering a regulated product under Section 24 as specified in the registration;

"gas technician" means an individual who holds a gas technician licence;

"gas technician licence" means a licence granted to an individual under Section 23 of the Act that authorizes the individual to perform the regulated work of a gas technician in Sections 63 to 65 as specified in the licence, and includes any liquid propane endorsement endorsed on the licence;

"gas supplier" means a person who delivers propane or natural gas to an installation and is the owner of the propane storage containers or natural gas distribution system for the installation;

"gas technician 1" means an individual who holds a class 1 gas technician licence;

"gas technician 2" means an individual who holds a class 2 gas technician licence;

"gas technician 3" means an individual who holds a class 3 gas technician licence;

"liquid propane endorsement" means an authorization granted to an individual under Section 22 of the Act by the FS chief inspector, and endorsed on a class 1 gas technician licence or class 2 gas technician licence, that authorizes the individual to perform regulated work with liquid propane as specified by the endorsement;

"oil" means a hydrocarbon fuel oil as defined in the FS standards;

"oil burner technician" means an individual who holds an oil burner technician licence;

"oil burner technician licence" means a licence granted to an individual under Section 23 of the Act that authorizes the individual to perform the regulated work of an oil burner technician in Section 88 as specified in the licence;

"piping system" means an arrangement of regulators, piping or tubing, valves and any other items required by the FS standards to transfer gas or oil from the supply to the end-use appliance or equipment;

"propane" means a material that is composed predominantly of propane and may contain small amounts of any of the following:

(i) propylene,

(ii) normal butane,

(iii) isobutane hydrocarbons,

(iv) butylene hydrocarbons

(v) a mixture of isobutane hydrocarbons and butylene hydrocarbons;

"propane plant" means a place with a storage capacity of greater than 5000 USWG where propane is stored in large containers and from which smaller containers and delivery vehicles are filled for distribution to dealers and consumers;

"sell" includes to offer for sale, lease, rent, display and advertise;

"supervision" means supervision by an individual who is able to be immediately contacted by the individual requiring supervision;

"trainee" means an individual, including an apprentice, who is in a training program and actively pursuing ~~a~~ [an] FS certificate of competency or a certificate of qualification required to perform regulated work;

"USWG" means United States water gallons;

"valve train" means a combination of valves, controls, piping or tubing for an oil-burning appliance that are located upstream from the supply system and that control the supply of fuel oil to the appliance.

(2) A term defined in Section ~~3~~ [2] of the *Technical Safety General Regulations* made under the Act has the same meaning when used in these regulations.

Regulated products prescribed for gas and oil

3 (1) Except as provided in Section 4, all of the following are prescribed as regulated products for gas under the Act and these regulations:

(a) an appliance, container, dispensing unit, equipment or piping system for gas;

(b) a propane plant;

(c) a propane storage facility;

(d) a propane distribution facility;

(e) a natural gas vehicle refueling facility;

(f) natural gas cylinder filling station.

(2) Appliances, supply tanks, equipment and piping systems for oil are all prescribed as regulated products for oil under the Act and these regulations.

Products exempted from Act and regulations

4 All of the following products are exempt under subsection 6(2) of the Act from the Act and these regulations:

(a) a gas delivery system, as defined in the *Gas Distribution Act*, that is constructed or operated under a franchise granted under that Act;

(b) a pipeline, as defined in the *Pipeline Act*;

(c) a gas plant facility, as defined in the *Gas Plant Facility Regulations* made under the *Pipeline Act* and the *Energy Resources Conservation Act*;

(d) a marine or pipeline terminal;

(e) a petroleum refinery;

(f) gas used as a feedstock in a chemical plant.

Regulated work prescribed for gas and oil

5 (1) All of the following are prescribed as regulated work for gas under the Act and these regulations:

(a) work or duties of a gas technician, as set out in Sections 63 to 65;

(b) work or duties of a gas operator, as set out in Sections 66 to 70;

(c) operating a gas storage or gas distribution business;

(d) installing, repairing, servicing or maintaining gas appliances, containers, equipment or piping systems;

(e) operating a natural gas vehicle refueling or cylinder filling station;

(f) activities described under a class of gas business licence in Section 39.

(2) The work and duties of an oil burner technician are prescribed as regulated work for oil under the Act and these regulations.

Work exempted from Act and regulations

6 All of the following work is exempt under subsection 6(2) of the Act from the Act and these regulations:

(a) the storage or handling of liquified natural gas;

(b) the storage or handling of underground reservoirs for natural gas.

Recognized certification organization prescribed

7 A certified organization recognized or accredited by the Standards Council of Canada is prescribed as a recognized certification organization under the Act and these regulations for the purposes that the certification organization is recognized or accredited by the Standards Council of Canada.

Duties and Responsibilities

Compliance audits

8 A person must make any information requested by an FS inspector available for review for a compliance audit, including all of the following:

(a) any information related to the use of a regulated product;

(b) evidence or records of an approved business installation inspection program or any other information related to implementing or operating a business installation inspection program;

(c) evidence or records related to ~~a~~ [an] FS certificate of competency, gas technician licence, liquid propane endorsement, gas operator licence, gas business licence, gas permit, gas registration or oil burner technician licence;

(d) records related to an oil installation compliance inspection required by Section 87.

Special inspections

9 (1) An FS inspector may conduct a special inspection upon request or if the inspector decides it is warranted after monitoring or a compliance audit by the FS inspector.

(2) An FS inspector may charge the applicable FS fees for a special inspection under subsection (1).

Converting appliance to alternate form of fuel

10 **(1)** Except as provided in this Section, a person must not convert a new appliance from one type of fuel to another without a certified conversion kit.

(2) The certification of any existing appliance that is converted other than as permitted in this Section is void, and installing, selling or using the appliance is prohibited.

(3) A certified commercial appliance, with a complete and legible rating plate, may be converted to use an alternate gas by a method approved by the FS chief inspector.

(4) A person may convert an existing certified in-service boiler using the procedures approved by the FS chief inspector for a conversion if 1 of the following applies:

(a) the manufacturer does not make a certified gas conversion burner;

(b) the manufacturer is no longer in business and the installer wants to install a burner that is not tested and certified for use in the particular boiler.

Notice of incident under Section 13 of Act

11 The notice of an incident required under Section 13 of the Act involving a regulated product, including any of the following types of incidents, must be given by telephone, fax or e-mail no later than 24 hours after the incident occurred and must be followed by a written report if required by the Administrator or the Administrator's designate:

(a) a gas explosion;

(b) a leak;

(c) a fire;

(d) an accident;

(e) equipment failure on a propane-transporting vehicle;

(f) oil equipment failure.

Gas Appliances, Containers, Equipment and Installation

Certified gas appliance, container or equipment

12 **(1)** A person must not sell, install, use, repair, service or maintain a gas appliance, container or equipment, unless it is certified.

(2) Except as provided in subsection (3), a gas appliance, container or equipment that does not bear a certification mark from a recognized certification organization is deemed to be not certified unless the contrary is proven.

(3) If there is no recognized standard for a gas appliance, container or equipment, it may be field-certified for the site where it is located by a recognized certification organization approved by the FS chief inspector if it conforms with the FS standards or an equivalent standard.

(4) A field certification is valid only while the appliance, container or equipment remains on the site for which it is field-certified.

(5) An appliance, a container or equipment for gas is not, or ceases to be, certified in any of the following circumstances:

(a) it is used for a purpose other than the purpose it was certified for;

(b) it is altered by the addition of a device or attachment;

(c) it is deteriorated to an extent that is likely to impair its safe operation;

(d) it is likely that it cannot be operated safely because of any of the following:

(i) the condition of the piping, tubing or hoses,

(ii) products of combustion may be vented,

(iii) there is an insufficient supply of air for combustion,

(iv) there is not enough clearance from adjacent combustible matter;

(e) it does not meet the requirements of these regulations.

FS standards and regulations for gas

13 (1) An owner of a regulated product for gas must ensure that the regulated product is in conformance with the FS standards and these regulations.

(2) Any person performing the regulated work of installing or altering a regulated product for gas or performing other regulated work for gas must not perform the regulated work contrary to FS standard[s] and these regulations.

(3) A person must not order or permit another person to perform the regulated work of installing or altering a regulated product for gas or to perform other regulated work for gas contrary to the FS standards and these regulations.

Propane cylinder or pressure vessel requiring inspection and re-qualification

14 (1) A person must not use, install or deliver gas to a propane cylinder or a pressure vessel with a water capacity of 1000 lbs. or less if the cylinder or pressure vessel is due for inspection and re-qualification as required by the FS standards.

(2) A propane cylinder or pressure vessel that is due for inspection and re-qualification must be inspected and re-qualified by an inspector who is certified for that purpose by the federal Department of Transport[, Infrastructure and Communities] before it is used, installed or has gas delivered to it.

Damaged propane container

15 (1) A person must not use, install or deliver gas to a propane container that shows signs of corrosion or has dents, bulges or other damage.

(2) A propane container that is damaged must be repaired and re-qualified to comply with the FS standards before it is used, installed or has gas delivered to it.

Prohibition against propane container on roof

16 A person must not permanently install a propane container on the roof of a building or structure or allow a propane container to remain permanently installed on the roof of a building or structure.

Gas Permit and Registration

No gas installation or alteration without gas permit or gas registration

17 A person must not order or permit another person to begin a gas installation or alteration referred to in Section 18 or 24 unless a gas permit or gas registration as required by those Sections has been granted for the gas installation or alteration.

Gas permit required

18 Except as provided in Section 24, a person must obtain a gas permit to perform the regulated work of installing or altering any of the following regulated products:

(a) a propane storage container or gas piping system that supplies gas to an end-use appliance or equipment or an account takeover;

(b) storage or transfer equipment in a propane plant or dispensing unit;

(c) gas-processing or gas-utilizing equipment at a digester gas or landfill gas facility;

(d) a propane cylinder storage location other than an exchange cylinder location for cylinders of 9 kg (20 lbs.) or less;

(e) a natural gas vehicle refueling station;

(f) a gas appliance, container or equipment;

(g) foundation and supports for a vertical propane tank or for a horizontal tank with a capacity of greater than 1700 USWG.

Applying for gas permit

19 (1) A holder of a gas business licence may apply for a gas permit by submitting a completed application form, together with all of the following:

(a) payment of the applicable FS fees;

(b) the applicant's gas business licence number;

(c) written description of the regulated work to be done;

(d) except as provided in subsection (3), plans and specifications in a form acceptable to the FS chief inspector.

(2) Only a gas business licence holder may be granted a gas permit.

(3) Plans and specifications referred to in clause (1)(d) are not required for a gas permit for gas installation or alteration that meets all of the following criteria:

(a) it has a total load of 3 million BTU/hr or less;

(b) it uses only certified gas appliances, containers and equipment.

(4) The FS chief inspector may impose any terms or conditions on a gas permit that the FS chief inspector considers necessary.

Costs of services in granting permit

20 An applicant for a gas permit must pay all costs for any engineering, consulting or other services incurred by the Department during the process of reviewing their gas permit application, if the applicant consents to the services before they are carried out.

Displaying gas permit while regulated work done

21 While regulated work is being done, a gas permit holder must display the gas permit for the regulated work at the site where it is being done.

Expiry and renewal of gas permit

22 **(1)** A gas permit is valid until the expiry date specified on the permit unless it is suspended or revoked earlier by the FS chief inspector.

(2) A holder of a gas permit that has expired or will soon expire may reapply for a gas permit under Section 19 by submitting their gas permit number and any information required by that Section as determined by the FS chief inspector.

Gas permit non-transferable

23 A gas permit is not transferable and may only be used by the gas business holder who is granted the permit.

Gas registration instead of gas permit

24 Instead of applying for a gas permit under Section 19, a gas business licence holder may apply for a gas registration for a gas installation or an alteration of a gas installation, if the installation is 1 of the following:

(a) an installation with a total input load of 400 000 BTU/hr or less that includes only certified gas appliances, containers and equipment;

(b) retail cylinder exchange cabinets for propane cylinders with a propane capacity of 9 kg (20 lbs.) or less.

Filing for gas registration

25 **(1)** A gas business licence holder may file a gas registration permitted under Section 24 by submitting a completed application together with all of the following to Service Nova Scotia and Municipal Relations:

(a) payment of the applicable FS fees;

(b) the applicant's gas business licence number;

(c) a written description of the regulated work to be done.

(2) Only a gas business licence holder may be granted a gas registration.

(3) A person must not file an application to register a gas installation or alteration of a gas installation that requires a gas permit under Section 18.

New gas permit for transferring or reconnecting

26 **(1)** A gas appliance or piping system that has been disconnected from a gas supply for longer than 30 days is deemed to be a new installation and requires a new gas permit to perform the regulated work of reconnecting it.

(2) A gas appliance or system that is taken over by another fuel supplier is deemed to be a new installation and requires a new gas permit or gas registration.

Confirmation of gas registration

27 **(1)** If an FS inspector accepts a gas business licence holder's filing to register under Section 25, the gas registration is complete and the FS inspector must issue a confirmation notice to the gas business licence holder.

(2) An FS inspector may impose any terms or conditions on a gas registration that the FS inspector considers necessary, and any terms and conditions imposed must be included in the confirmation notice.

Expiry and renewal of gas registration

28 A gas registration is valid from the date the confirmation notice is issued until the expiry date specified on the confirmation notice unless it is suspended or revoked earlier by the FS chief inspector.

Displaying gas registration while work being done

29 While regulated work is being done, a gas registration holder must display the gas registration for the regulated work at the site where the regulated work is being done.

Gas registration non-transferable

30 **(1)** A gas registration is not transferable and may be used only by the gas business licence holder who is granted the registration.

(2) A holder of a gas registration that has expired or will soon expire may re-file for a gas registration under Section 25 by submitting their gas registration number and any information required by that Section as determined by the FS chief inspector.

Tagging Gas Installations

Green tag system

31 **(1)** After a gas appliance, container or piping system is installed and is in compliance with the FS standards and these regulations, but before it is charged with gas, the gas technician 1, gas technician 2 or class G gas operator licence holder who is responsible for completing the installation must do all of the following:

(a) fill in, sign and post a green tag at the following location immediately after the work is completed:

(i) for a gas installation located inside a building, at the interior entry point of the gas piping system into the building,

(ii) for a gas installation located outdoors, at or near the meter or second stage regulator;

(b) send a copy of the green tag posted under clause (a) to the gas supplier for the gas appliance, container or piping system no later than 7 days after the date the work is completed.

(2) A green tag posted for a gas appliance, container or piping system must include all of the following information:

(a) the civic address of the premises where the gas appliance, container or piping system is situated;

(b) the number of the gas permit or gas registration granted for the installation;

(c) the total system BTU/hr load of the gas appliance, container or piping system;

(d) a statement that the installation complies with the FS standards and these regulations;

(e) the date the installation work was completed and the green tag attached;

(f) the licence number of the person responsible for completing the installation and the type and class of licence held by them;

(g) the name and licence number of the gas business licence holder responsible for the installation;

(h) the licence number and class of licence held by the gas technician 1 or gas technician 2 who performed the verification required by Section 32 before supplying fuel to the installation.

(3) A gas technician who performs a verification and signs a green tag under Section 32 must not be the same person as the person who fills in, posts and signs the green tag under subsection (1) unless both of the following conditions are met:

(a) the installation is an installation listed in Section 24 for which a gas registration is granted;

(b) the company responsible for the installation holds a class 2A contractor gas business licence.

No supply or connection to gas installation without completed green tag

32 (1) A gas supplier must not supply or connect gas to a gas installation until the supplier does all of the following:

(a) verifies that there is a completed green tag posted for the installation;

(b) verifies that the installation complies with the FS standards and these regulations.

(2) This Section does not remove or diminish any of the responsibilities of the person responsible for attaching a green installation tag to a gas installation under Section 31.

Yellow tag system

33 (1) A gas technician 1, gas technician 2, class G gas operator licence holder, gas supplier or FS inspector who reasonably believes that a gas appliance, container or piping system is a potential hazard to life or safety must do all of the following:

(a) fill in, sign and attach a yellow tag to the gas appliance, container or piping system;

(b) notify an FS inspector by phone, fax or e-mail no later than 24 hours after attaching the yellow tag under clause (a);

(c) send a copy of the yellow tag attached under clause (a) to both of the following:

(i) an FS inspector,

(ii) the gas supplier for the gas appliance, container or piping system.

(2) A yellow tag attached to a gas appliance, container or piping system must include all of the following information:

(a) the civic address of the premises where the gas appliance, container or piping system is situated;

(b) the number of any gas permit or gas registration granted for the gas appliance, container or piping system;

(c) a statement of the problem or hazard identified;

(d) the date the yellow tag was attached;

(e) the following information about the individual who attached the tag:

(i) if the individual is a licence holder, their licence number and the type and class of licence held by them,

(ii) if the individual is an FS inspector or gas supplier, their name;

(f) the yellow tag's expiry date, determined in accordance with subsection (4).

(3) A person who attaches a yellow tag to a gas appliance, container or piping system must not shut off the gas fuel source.

(4) A yellow tag expires 30 days after the date it is attached.

Repair completed before yellow tag expires

34 (1) A repair that is required to correct a problem or hazard indicated on a yellow tag must be completed on or before the tag's expiry date.

(2) If the problem or hazard identified on a yellow tag is not corrected by the tag's expiry date, the gas supplier for the gas appliance, container or piping system must attach a red tag to the gas appliance, container or piping system in accordance with Section 35.

Red tag system

35 (1) A gas technician 1, gas technician 2, class G gas operator licence holder or FS inspector must attach a red tag to a gas appliance, container or piping system in all of the following circumstances:

(a) the appliance, container or piping system is removed from service;

(b) a yellow tag attached to the appliance, container or piping system is expired;

(c) the person considers the appliance, container or piping system to be any of the following:

(i) in an unacceptable condition,

(ii) unsafe,

(iii) an imminent hazard to life or property.

(2) In addition to attaching a red tag under subsection (1), a person who attaches a red tag to a gas appliance, container or piping system must do all of the following:

(a) notify an FS inspector by phone, fax or e-mail no later than 24 hours after attaching the red tag under clause (a);

(b) send a copy of the red tag attached under clause (a) to both of the following:

(i) the FS chief inspector,

(ii) the gas supplier for the gas appliance, container or piping system.

(3) A red tag must be signed by the person who attaches it under subsection (1) and must include all of the information required to be included on a yellow tag in clauses 33(2)(a) to (e), with the necessary changes in detail.

(4) A person who attaches a red tag to a gas appliance, container or piping system must shut off the gas fuel source.

No supplying to gas installation with red tag

36 A person, other than 1 of the following persons responsible for making a gas appliance, container or piping system comply with these regulations and the FS standards, must not knowingly supply gas to a gas appliance, container or piping system that has a red tag attached:

(a) a gas technician 1;

(b) a gas technician 2;

(c) a class G gas operator licence holder.

No using gas regulated product with red tag attached

37 A person must not use a gas appliance, container or piping system that has a red tag attached.

Removing red or yellow tag

38 (1) A person other than 1 of the following must not remove a red tag or yellow tag that is attached to a gas appliance, container or piping system:

(a) an FS inspector;

(b) a gas technician 1;

(c) a gas technician 2;

(d) a class G gas operator licence holder.

(2) A person must first verify that the problem or hazard indicated on an attached yellow tag or red tag is corrected before removing it, and then must do all of the following:

(a) write all of the following on the tag:

(i) their name,

(ii) their licence number and the type and class of licence they hold,

(iii) the date and time the tag was removed;

(b) send a copy of the removed tag to the FS chief inspector;

(c) notify the gas supplier for the gas appliance, container or piping system.

Gas Business Licences

Gas business licence required

39 ~~**(1)**~~ A person must hold a gas business licence to perform or to employ a person to perform any of the following regulated work:

(a) operating a storage or distribution business;

(b) operating a business installing, repairing, servicing or maintaining gas appliances, containers, equipment or piping systems;

(c) operating a natural gas vehicle refueling station business or a natural gas cylinder filling station business;

(d) carrying out work described under Sections 48 to 52 for a class of gas business licence.

Producing gas business licence on request

40 (1) A person operating a gas business must produce their gas business licence for review when requested by an FS inspector.

(2) Failing to produce a gas business licence when requested by an FS inspector is *prima facie* evidence that the person does not hold a gas business licence.

Classes of gas business licences

41 The 5 classes of gas business licences are as follows:

(a) class 1 gas storage/distribution gas business licence;

(b) class 2 contractor gas business licence;

(c) class 2A contractor gas business licence;

(d) class 3 industrial gas business licence;

(e) class 4 natural gas dispensing station gas business licence.

Applying for gas business licence

42 (1) A person may apply to the FS chief inspector for a specified class of gas business licence by submitting a completed application form together with all of the following:

(a) payment of the applicable FS fees;

(b) proof of the applicant's identity, including all of the following for the applicant:

(i) name,

(ii) mailing address,

(iii) civic address, if different from the mailing address;

(c) for an applicant that is a corporate body, all of the following for the corporation:

(i) the full corporate name,

(ii) the registered agent,

(iii) a list of the officers;

(d) a list of the names and licence numbers of all gas operators or gas technicians employed by the applicant;

(e) proof of public liability insurance required by Section 43;

(f) for an application for any of the following licences, the civic address and location where the regulated work is to be performed:

(i) a class 1 gas storage/distribution gas business licence,

(ii) a class 3 industrial gas business licence,

(iii) a class 4 natural gas dispensing station gas business licence.

(2) The FS chief inspector may impose any terms or conditions on a gas business licence that the FS chief inspector considers necessary.

Public liability insurance for gas business licence holders

43 A gas business licence holder must hold public liability insurance in the amount of $2 000 000 or such other amount the FS chief inspector considers appropriate under special circumstances.

Business installation inspection program

44 (1) In addition to the requirements in Section 42, a person applying for a class 2A contractor gas business licence must also submit the details of their business installation inspection program for approval by the FS chief inspector.

(2) A class 2A contractor gas business licence holder must follow their business installation inspection program as approved by the FS chief inspector.

(3) The FS chief inspector may revoke a class 2A contractor gas business licence if the licence holder does not comply with subsection (2).

Displaying gas business licence at location

45 A gas business licence holder must display the gas business licence for the regulated work at the location of the regulated work or at another location approved by the FS chief inspector.

Expiry and renewal of gas business licence

46 (1) A gas business licence is valid until the expiry date specified on the gas business licence unless it is suspended or revoked earlier by the FS chief inspector.

(2) A holder of a gas business licence that has expired may reapply for a gas business licence under Section 42 by submitting their gas business licence number and any information required by that Sections as determined by the FS chief inspector, and complying with Section 44, if applicable.

Suspension of class 2A contractor gas business licence

47 **(1)** The FS chief inspector may suspend a class 2A contractor gas business licence if an FS inspector finds on inspection that the licence holder violated any of the following twice within a 6-month period:

(a) the Act;

(b) the regulations;

(c) the FS standards;

(d) a term or condition of a licence, permit or registration;

(e) an order of an FS inspector.

(2) A suspension of a class 2A contractor gas business licence under subsection (1) continues until the FS chief inspector lifts the suspension and notifies the gas business licence holder.

(3) The FS chief inspector may grant a replacement class 2 contractor gas business licence to a person whose licence is suspended under subsection (2), subject to any terms and conditions the FS chief inspector considers appropriate.

Class 1 gas storage/distribution gas business licence

48 **(1)** A person who holds a class 1 gas storage/distribution gas business licence may operate any of the following at the location specified on their licence:

(a) a propane plant;

(b) a propane dispensing unit for filling portable cash-and-carry type cylinders and motive fuel or recreational vehicle containers permanently mounted on vehicles;

(c) a business transporting propane in bulk or cylinders;

(d) a gas storage facility to sell or exchange gas only, other than cylinders with a propane capacity of 20 lb[s]. or less.

(2) A class 1 gas storage/distribution gas business licence holder may only perform the regulated work at the location specified on their licence.

(3) A class 1 gas storage/distribution gas business licence holder may apply to the FS chief inspector to change the location for regulated work specified on their licence.

Class 2 contractor gas business licence

49 A person who holds a class 2 contractor gas business licence may do any of the following:

(a) transport propane in containers for the purposes of making installations;

(b) install gas appliances, equipment and piping systems;

(c) repair, service and maintain gas appliances, containers, equipment and piping systems.

Class 2A contractor gas business licence

50 A person who holds a class 2A contractor gas business licence may do any of the following:

(a) any of the activities listed in Section 49 for a class 2 contractor gas business licence;

(b) attach single-signature green tags on installations that have been granted a gas registration.

Class 3 industrial gas business licence

51 (1) A person who holds a class 3 industrial gas business licence may do any of the following at the location specified on their licence:

(a) repair, service and maintain industrial gas-fired appliances and equipment on the premises of the licence holder;

(b) repair, service and maintain propane motive fuel systems on off-highway vehicles operated by the licence holder;

(c) operate a propane dispensing unit for filling cylinders used only by the licence holder.

(2) A class 3 industrial gas business licence holder may perform the regulated work only at the location specified on their licence.

Class 4 natural gas dispensing station gas business licence

52 (1) A person who holds a class 4 natural gas dispensing station gas business licence may operate any of the following as a business at the location specified on their licence:

(a) a natural gas vehicle refuelling station of any size;

(b) a natural gas cylinder filling station of any size.

(2) A class 4 natural gas dispensing station business licence holder may perform the regulated work only at the location specified on their licence.

Gas Technician Licences

Gas technician licence required

53 (1) A person other than a trainee must not perform the regulated work of a gas technician unless the person holds a class of gas technician licence, and any necessary liquid propane endorsement, that authorizes the person to perform the regulated work.

(2) The FS chief inspector may only grant a gas technician licence in accordance with the qualification requirements in Section 59.

Producing gas technician licence on request

54 (1) A person performing the duties of a gas technician must produce the following when requested by an FS inspector:

(a) their gas technician licence and any liquid propane endorsement required;

(b) their apprenticeship identification card.

(2) Failing to produce a gas technician licence, liquid propane endorsement or apprenticeship identification card is *prima facie* evidence that the person does not hold the document requested.

Classes of gas technician licences

55 The 3 classes of gas technician licences are as follows:

(a) class 1 gas technician licence;

(b) class 2 gas technician licence;

(c) class 3 gas technician licence.

Trainee performing work of gas technician

56 (1) A trainee is not required to hold the applicable class of gas technician licence required to perform regulated work if all of the following conditions are met:

(a) subject to subsection (2), the trainee is under the direct supervision of a ~~licenced~~ [licensed] individual at all times;

(b) any regulated work performed by the trainee is within the scope of the class of gas technician licence held by the supervising ~~licenced~~ [licensed] individual;

(c) the trainee complies with all the other requirements of the Act and these regulations;

(d) there is an approved training program in place for the trainee, as required by subsection (4).

(2) A trainee may only perform the regulated work or another act of a gas technician 3 listed in Section 63 while under the direct supervision of a gas technician 1 or gas technician 2.

(3) A trainee for a gas fitter 3 certification of qualification who is enrolled in a training institution or working in the trade during an approved work term may only perform the regulated work specified in Section 63 for a maximum of 6 weeks and must have a temporary work permit as a gas fitter apprentice issued under the *Apprenticeship and Trades Qualification*[*s*] *Act*.

(4) A gas business licence holder must submit a training program to the FS chief inspector for approval for any trainee who is not an apprentice under the *Apprenticeship and Trades Qualification*[*s*] *Act*.

Liquid propane endorsement

57 (1) An individual's gas technician licence must be endorsed with a liquid propane endorsement to perform regulated work with liquid propane.

(2) The FS chief inspector may endorse a class 1 gas technician licence or class 2 gas technician licence with a liquid propane endorsement, if the licence holder meets 1 of the following qualifications:

(a) they have completed a course of liquid propane training and an examination approved by the FS chief inspector;

(b) they are applying for a class 1 gas technician licence and have a previous liquid propane endorsement on their class 2 gas technician licence.

Applying for gas technician licence

58 An individual may apply for a specified class of gas technician licence with or without a liquid propane endorsement by submitting a completed application form together with all of the following to the FS chief inspector:

(a) payment of the applicable FS fees;

(b) proof of the applicant's identity;

(c) the class of gas technician licence sought;

(d) proof satisfactory to the FS chief inspector that the applicant meets the qualifications in Section 59;

(e) information about the individual's training, experience and qualifications other than those required by Section 59;

(f) whether a liquid propane endorsement is sought and proof satisfactory to the FS chief inspector that the applicant meets the requirements of subsection 57(2).

Qualifications for gas technician licences

59 (1) Except as provided in subsection (2), an applicant for a class of gas technician licence must hold the following qualifications:

(a) for a class 1 gas technician licence, a certificate of qualification as a gas fitter 1 under the *Apprenticeship and Trades Qualifications Act*;

(b) for a class 2 gas technician licence, a certificate of qualification as a gas fitter 2 under the *Apprenticeship and Trades Qualifications Act*;

(c) for a class 3 gas technician licence, a certificate of qualification as a gas fitter 3 under the *Apprenticeship and Trades Qualifications Act*.

(2) The FS chief inspector may accept the successful completion of a prior learning assessment as equivalent to a class of gas fitter certificate of qualification if the FS chief inspector considers it warranted.

Producing gas technician licence on request

60 (1) A person conducting the work of a gas technician must produce their gas technician licence for review when requested by an FS inspector.

(2) Failing to produce a gas technician licence when requested by an FS inspector is *prima facie* [evidence] that the person does not hold a gas technician licence.

Expiry and renewal of gas technician licence

61 (1) A gas technician licence is valid until the expiry date specified on the licence unless it is suspended or revoked earlier by the FS chief inspector.

(2) Subject to subsection (3), for licences expired for longer than 2 years, an individual may apply for renewal or reinstatement of their gas technician licence in the same manner as applying for a licence under Section 58.

(3) To reapply for reinstatement of a gas technician licence, and any liquid propane endorsement on the licence, that has been expired for longer than 2 consecutive years, an individual may be required by the FS chief inspector to be re-evaluated as approved by the FS chief inspector before applying for reinstatement under Section 58.

Gas technician licence non-transferable

62 A gas technician licence is not transferrable and may be used only by the individual who is granted the licence.

Regulated work authorized to be performed by gas technician 3

63 **(1)** Under the supervision of a gas technician 2 or gas technician 1, a gas technician 3 may perform regulated work with respect to a gas appliance with an input of 400 000 BTU/hr or less as set out in the following table:

Regulated Product	Regulated Work	Limitations on Work
piping or tubing or component in piping or tubing system to appliance downstream of natural gas meter or propane vapour service valve up to appliance isolation valve	install, test, reactivate or remove	size of piping or tubing must be 61 mm (2 NPS) or smaller
previously installed or previously converted appliance	reactivate	
water piping	disconnect and reconnect as necessary to exchange, service or install appliance and carry out replacement necessary to complete re-connection of controls and components forming part of appliance	must not alter, remove, repair or replace cross-connection control devices or perform additional plumbing work without valid certificate of qualification in plumber trade under *Apprenticeship and Trades Qualifications Act*
any appliance	clean or lubricate	
vent connector, venting or draft control device	clean, remove or replace	
existing propane supply container	transport and exchange	container must have a capacity of 125 USWG or less

(2) A gas technician 3 may perform the regulated work of a gas operator as permitted by Section 67.

(3) A gas technician 3 must be under direct supervision of gas technician 1 or gas technician 2 to perform the following regulated work:

(a) install, service, convert or activate a gas appliance with an input of 400 000 BTU/hr or less;

(b) install a new propane supply container;

(c) exchange an existing propane supply container that has a capacity of more than 125 USWG capacity.

(4) A gas technician 3 must not perform the initial activation of a new or newly converted gas appliance.

Regulated work authorized to be performed by gas technician 2

64 In addition to the regulated work authorized in Section 63 for a gas technician 3, a gas technician 2 may perform regulated work with respect to a gas appliance with an input of 400 000 BTU/hr or less as set out in the following table:

Regulated Product	Regulated Work	Limitations on Work
appliance or equipment essential to operation of appliance	install, change, activate, purge, service, repair or remove	
piping or tubing, or component in piping or tubing system[,] to appliance downstream of natural gas meter	as for gas technician 3, plus activate	size of piping or tubing must be 61 mm (2 NPS) or smaller
piping or tubing, or component in piping or tubing system, to appliance of propane system	install, inspect, test, activate, purge, service, repair, perform maintenance on or remove	size of piping or tubing must be 61 mm (2 NPS) or smaller
vent connector, venting or draft control device	as for gas technician 3, plus install, inspect, service, repair	
vent or any component in gas-fired appliance venting system	install, inspect, service, remove, repair or replace	
water piping	as for gas technician 3	as for gas technician 3
mechanical or electrical component or equipment that is part of appliance or essential to operation of appliance	perform maintenance on, service or replace	
components and accessories forming part of gas-side of refrigerating or air conditioning unit	install, service, remove or replace	must not perform additional work beyond gas-side of appliance without valid certificate of qualification in refrigeration and air conditioning mechanic trade under *Apprenticeship and Trades Qualifications Act*
electrical supply wiring	disconnect and reconnect to exchange, service or repair appliance and carry out replacement necessary to complete re-connection of controls and components forming part of appliance	must not run wiring back to panel or perform additional electrical work related to wiring of appliance without valid certificate of qualification in construction ~~electrical~~ [electrician] trade under *Apprenticeship and Trades Qualifications Act*

Regulated work authorized to be performed by gas technician 1

65 In addition to the regulated work authorized in Section 64 for a gas technician 2, a gas technician 1 may perform regulated work with respect to any gas appliance as set out in the following table:

Regulated Product	Regulated Work	Limitations on Work
appliance or equipment essential to operation of appliance	as for gas technician 2, plus inspect and test	
piping or tubing, or component in piping or tubing system[,] to appliance downstream of natural gas meter	as for gas technician 2, plus activate	

piping or tubing, or component in a piping or tubing system, to propane-fired appliance or propane system	as for gas technician 2, plus install or remove propane supply container	
vent, vent connector, venting or draft control device or other component in gas-fired appliance venting system	as for gas technician 2	
water piping	as for gas technician 2	as for gas technician 2
mechanical or electrical component or equipment that is part of appliance or essential to operation of appliance	as for gas technician 2	
components and equipment forming part of gas-side of refrigerating or air conditioning unit	as for gas technician 2	as for gas technician 2
electrical supply wiring	as for gas technician 2	as for gas technician 2

Gas Operator Licence

Gas operator licence required

66 A person, other than a trainee or a gas technician under Section 67, must hold a class of gas operator licence that authorizes them to perform the regulated work of a gas operator, including all of the following:

(a) repairing, servicing or maintaining a gas appliance, container or piping system in-house in an industrial setting;

(b) repairing, servicing or maintaining a propane appliance, container or piping system in a recreational vehicle;

(c) transporting propane in portable containers for distribution;

(d) operating a tank truck or cargo liner transporting propane;

(e) operating a propane plant;

(f) operating a propane dispensing unit;

(g) installing or servicing a propane or natural gas motive fuel system in an off-highway vehicle;

(h) installing a gas piping system.

Gas technician or trainee performing work of gas operator

67 (1) A gas technician, or a trainee who is a gas fitter apprentice and is under the direct supervision of a gas technician, may perform the regulated work of a gas operator in clauses 66(a), (b), (c) and (h) without the applicable class of gas operator licence authorizing the work.

(2) A trainee is not required to hold the applicable class of gas technician licence required to perform the regulated work of a gas operator in clauses 66(c), (d) and (e) if all of the following conditions are met:

(a) the trainee is under the direct supervision of a ~~licenced~~ [licensed] individual at all times;

(b) any regulated work performed by the trainee is within the scope of the class of gas operator licence held by the supervising ~~licenced~~ [licensed] individual;

(c) the trainee complies with all the other requirements of the Act and these regulations;

(d) there is an approved training program in place for the trainee, as required by subsection (3).

(3) A gas business licence holder must submit a training program to the FS chief inspector for approval for any trainee who is not an apprentice under the *Apprenticeship and Trades Qualification*[*s*] *Act*.

Applicability of FS fees

68 The examination and training requirements for a class of FS certificate of competency or gas operator licence and payment of the FS fees apply to a trainee.

Classes of gas operator licences

69 The classes of gas operator licences are as follows:

(a) class B gas operator licence;

(b) class C gas operator licence;

(c) class D gas operator licence;

(d) class E gas operator licence;

(e) class F gas operator licence;

(f) class G, which is subdivided into the following sub-classes of licence:

(i) G-1 gas operator licence,

(ii) G-2 gas operator licence,

(iii) G-3 gas operator licence,

(iv) G-4 gas operator licence,

(v) G-5 gas operator licence,

(vi) G-6 gas operator licence,

(vii) G-7 gas operator licence.

Regulated work authorized by classes of gas operator licences

70 A person who holds a gas operator licence may perform the regulated work that corresponds to the class of licence held as set out in the following table:

Class of Gas Operator Licence		Regulated Work
class B		operate a bulk propane plant
class C		transport propane in portable containers
class D		operate a tank truck transporting propane
class E		operate a cargo liner transporting propane
class F		operate a propane dispensing unit
class G		install, repair, service or maintain a gas appliance, container or piping system as permitted by the sub-class
subclasses:	G-1	restricted to installing, repairing, servicing and maintaining propane systems for recreational vehicles and mobile homes
	G-2	restricted to installing, repairing, servicing and maintaining propane-fired construction heaters and portable cylinders, excluding supply tanks and building piping
	G-3	restricted to repairing, servicing and maintaining propane-fired domestic barbeque grills
	G-4	restricted to repairing, servicing and maintaining industrial in-house gas-fired appliances and equipment at the location designated on the certificate, and not including installation or any change to the installed system
	G-5	restricted to repairing, servicing and maintaining systems in which liquid propane is used as a motive fuel to power off-highway vehicles, and includes converting the systems
	G-6	restricted to repairing, servicing and maintaining systems in which natural gas is used as a motive fuel to power off-highway vehicles, and includes converting the systems
	G-7	restricted to installing uncharged gas piping systems of any size from the outlet of the meter or second stage regulator to the last shut-off valve, including the burner manifold

Applying for gas operator licence

71 (1) An individual may apply for a gas operator licence by submitting a completed application form together with all of the following to the FS chief inspector:

(a) payment of the applicable FS fees;

(b) proof of the applicant’s identity;

(c) the class of gas operator licence applied for;

(d) proof satisfactory to the FS chief inspector that the applicant holds a class of gas operator certificate of competency that corresponds to the class of gas operator licence applied for.

(2) The FS chief inspector may impose any terms or conditions on a gas operator licence that the FS chief inspector considers necessary.

Producing gas operator licence on request

72 (1) A person performing the regulated work of a gas operator must produce their gas operator licence when requested by an FS inspector.

(5)* Failing to produce a gas operator licence when requested by an FS inspector is *prima facie* evidence that the person does not hold a gas operator licence.

[*subsection numbering as in original.]

Expiry and renewal of gas operator licence

73 (1) A gas operator licence is valid until the expiry date specified on the licence unless it is suspended or revoked earlier by the FS chief inspector.

(2) Subject to subsection (3) for licences expired for longer than 4 years, an individual may apply for renewal or reinstatement of their gas operator licence in the same manner as applying for a licence under Section 71.

(3) To reapply for reinstatement of a gas operator licence that has been expired for longer than 4 consecutive years, an individual may be required by the FS chief inspector to be re-evaluated as approved by the FS chief inspector before applying for reinstatement under Section 71.

Gas operator licence non-transferable

74 A gas operator licence is not transferrable and may be used only by the individual who is granted the licence.

Gas Operator Certificates of Competency

Classes of gas operator certificate of competency

75 The classes of gas operator certificates of competency are as follows:

(a) class B gas operator certificate of competency;

(b) class C gas operator certificate of competency;

(c) class D gas operator certificate of competency;

(d) class E gas operator certificate of competency;

(e) class F gas operator certificate of competency;

(f) class G gas operator certificate of competency.

Applying for gas operator certificate of competency

76 (1) An individual may apply for a class of gas operator certificate of competency by submitting a completed application form together with all of the following to the FS chief inspector:

(a) payment of the applicable FS fees;

(b) proof of the applicant’s identity;

(c) the class of gas operator certificate of competency applied for;

(d) proof satisfactory to the FS chief inspector that the applicant has successfully completed all examinations required for class of gas operator certificate of competency applied for.

(2) The FS chief inspector may impose any terms and conditions on a gas operator certificate of competency that the FS chief inspector considers necessary.

Expiry of gas operator certificate of competency

77 A gas operator certificate of competency is valid unless it is suspended or revoked by the FS chief inspector.

Suspension of gas operator certificate of competency

78 In addition to the general powers of the Act, the FS chief inspector may revoke or cancel a gas operator certificate of competency that the FS chief inspector is satisfied was granted on the basis of incorrect or false information.

Gas operator certificate of competency non-transferable

79 A gas operator certificate of competency is not transferrable and may be used only by the individual who is granted the certificate of competency.

Training required for gas operator certificate of competency examination

80 An individual must complete an applicable training course approved by the FS chief inspector to be eligible to take an examination for a gas operator certificate of competency.

Practical experience required for gas operator certificate of competency examination

81 (1) To be eligible to take an examination for a gas operator certificate of competency, an applicant must complete the following practical experience requirements:

(a) for a class B gas operator certificate of competency, at least 30 working days of practical experience assisting in the operation of a bulk propane plant under the direct supervision of a class B gas operator licence holder;

(b) for a class D gas operator certificate of competency, at least 30 working days of practical experience on a propane tank truck under the direct supervision of a class D gas operator licence holder completed during the 12 months immediately before the date the applicant applies to be examined for the certificate;

(c) for a class E gas operator certificate of competency, at least 30 working days of practical experience on propane cargo liners under the direct supervision of a class E gas operator licence holder completed during the 12 months immediately before the date the applicant applies to be examined for the certificate.

(2) An applicant for a class E gas operator certificate of competency must hold a class 1 driver's licence issued under the *Motor Vehicle Act*.

Applying to write examination for gas operator certificate of competency

82 An individual may apply to take an examination leading to a class of gas operator certificate of competency by submitting a completed application form together with all of the following to the FS chief inspector:

(a) payment of the applicable FS fees;

(b) proof of the applicant's identity;

(c) the examination requested, including the class of gas operator certificate of competency the examination is leading toward;

(d) proof satisfactory to the FS chief inspector that the applicant has completed the training required by Section 80;

(e) proof satisfactory to the FS chief inspector that the applicant meets the practical experience requirements in Section 81 for the class of gas operator certificate of competency applied for, including verification of their experience from the gas operator who was responsible for their direct supervision.

Examination for gas operator certificate of competency

83 (1) A candidate for a class of gas operator certificate of competency must be examined by 1 of the following:

(a) the FS chief inspector;

(b) a person or accredited body acceptable to the FS chief inspector.

(2) The passing grade for an examination leading to a gas operator certificate of competency is 75%.

Re-examination

84 (1) Except as provided in subsection (3), no sooner than 60 days after the date of an examination, an individual who failed the examination may apply in writing to the FS chief inspector to retake the examination.

(2) An individual who fails an examination 3 or more consecutive times cannot apply to retake the same examination for at least 6 months from the date they last took the examination.

Oil Appliances, Supply Tanks, Equipment and Installation

Certified oil appliance, supply tank or equipment

85 (1) A person must not sell, install, use, repair, service or maintain an oil appliance, supply tank or equipment, unless it is certified.

(2) An oil appliance, supply tank or equipment that does not bear a certification mark from a recognized certification organization is deemed to be not certified unless the contrary is proven.

(3) An oil appliance, supply tank or equipment is not, or ceases to be, certified in any of the following circumstances:

(a) it is used for a purpose other than the purpose it was certified for;

(b) it is altered by the addition of a device or attachment;

(c) it is deteriorated to an extent that is likely to impair its safe operation;

(d) it is likely that it cannot be operated safely because of any of the following:

(i) the condition of the piping, tubing or hoses,

(ii) products of combustion may be vented,

(iii) there is an insufficient supply of air for combustion,

(iv) there is not enough clearance from adjacent combustible matter;

(e) it does not meet the requirements of these regulations.

FS standards and regulations for oil

86 (1) A person must not perform the regulated work of installing or altering a regulated product for oil or performing regulated work for oil contrary to the FS standards and these regulations.

(2) A person must not order or permit a person to perform the regulated work of installing or altering a regulated product for oil or to perform regulated work for oil contrary to the FS standards and these regulations.

Oil installation compliance inspection

87 (1) An oil supplier must inspect and verify that an oil installation complies with the FS standards and these regulations by performing an inspection before initially supplying oil to the installation.

(2) An oil supplier must make a record of each compliance inspection they perform and keep the record for at least 2 years from the date oil was initially supplied to the installation.

Oil Burner Technician Licence

Oil burner technician licence required

88 (1) Except as provided in subsection (2) and Sections 89 and 90, a person must hold an oil burner technician licence to perform the following regulated work:

(a) installing, repairing or maintaining an oil burner that uses a grade of oil up to and including grade No. 2 oil, or waste oil or bio-fuels for producing heat in [a] residential, commercial or industrial application;

(b) venting exhaust gases to a chimney or flue, together with draft regulators and controls;

(c) wiring control components and connecting power from a power supply that is fed from a furnace emergency shut-off switch and installed within 2 m of an oil burner.

(2) An employee of a facility is not required to hold an oil burner technician licence while performing any of the following work under the direction of the facility's chief power engineer, if the chief power engineer and the employee both have training on the maintenance and adjustment of the oil burners:

(a) oil burner cleaning;

(b) fuel filter cleaning;

(c) making a minor burner adjustment required for the normal operation of an oil burner.

(3) In this Section, "chief power engineer" means a chief power engineer as defined in the *Power Engineers Regulations* made under the Act.

Certificates of qualification continued under Section 52 of the Act

89 An individual whose certificate of qualification as an oil heat system technician has been continued under subsection 52(1) of the Act is not required to hold a licence under these regulations to perform the same regulated work, but must apply for an oil burner technician licence under Section 91 before their certificate expires in order to continue to be authorized to perform that regulated work after the expiry date on their certificate of qualification.

Trainee performing work of oil burner technician

90 A trainee who is an apprentice in the oil heat system technician trade program is not required to hold an oil burner technician licence to perform the regulated work in Section 88 if all the following conditions are met:

(a) the trainee is under the direct supervision of an oil burner technician at all times;

(b) the regulated work performed by the trainee is within the scope of the oil burner technician licence held by the supervising ~~licenced~~ [licensed] individual;

(c) the trainee holds a temporary work permit under the *Apprenticeship and Trades Qualification*[*s*] *Act* for the oil heat system technician program;

(d) the trainee complies with all the other requirements of the Act and these regulations.

Applying for oil burner technician licence

91 (1) An individual may apply for an oil burner technician licence by submitting a completed application together with all of the following to the FS chief inspector:

(a) payment of the applicable FS fees;

(b) proof of the applicant's identity;

(c) proof satisfactory to the FS chief inspector that the applicant either

(i) holds a certificate of qualification as an oil heat system technician under the *Apprenticeship and Trades Qualifications Act*, or

(ii) has successfully completed a learning assessment acceptable to the FS chief inspector.

(2) The FS chief inspector may impose any terms or conditions on an oil burner technician licence that the FS chief inspector considers necessary.

Producing oil burner technician licence on request

92 (1) A person performing the regulated work of an oil burner technician must produce their licence or their apprenticeship identification card when requested by an FS inspector.

(2) Failing to produce an oil burner technician licence or an apprenticeship identification card when requested by an FS inspector~~, the failure~~ is *prima facie* evidence that the person does not hold the document requested.

Expiry and renewal of oil burner technician licence

93 (1) An oil burner technician licence is valid until the expiry date specified on the licence unless it is suspended or revoked earlier by the FS chief inspector.

(2) Subject to subsection (3) for licences expired for longer than 4 years, an individual may apply for renewal or reinstatement of their oil burner technician licence in the same manner as applying for a licence under Section 91.

(3) To apply for reinstatement of an oil burner technician licence that has been expired for longer than 4 consecutive years, an individual may be required by the FS chief inspector to be re-evaluated as approved by the FS chief inspector before applying for reinstatement under Section 91.

Oil burner technician licence non-transferable

94 An oil burner technician licence is not transferrable and may be used only by the individual who is granted the licence.

Other Jurisdictions

Recognition of authorization from other jurisdictions or organizations

95 **(1)** The FS chief inspector may grant a gas technician licence with or without a liquid propane endorsement, a gas operator licence or an oil burner technician licence to an individual who applies under these regulations and meets all of the following qualifications:

(a) they have either

(i) a valid authorization that is sufficiently equivalent to the FS certificate of competency or licence applied for under these regulations, or

(ii) a prior learning assessment approved by the FS chief inspector as required by subsection (2);

(b) they have experience and qualifications that are sufficiently equivalent to the requirements in these regulations for the licence applied for.

(2) The FS chief inspector may require an applicant from a jurisdiction where gas technicians, gas operators or oil burner technicians are not granted certificates of qualification, certificates of competency, licences or endorsement to undergo a prior learning assessment to establish that the applicant's experience and qualifications are sufficiently equivalent to the requirements for the licence applied for under these regulations.

(3) An applicant in subsection (2) may also be eligible for the associated class of FS certificate of competency if the prior learning assessment establishes the applicant's experience and qualifications are sufficiently equivalent.

Offences

Fraudulent use of authorization

96 A person must not make fraudulent use of ~~a~~ [an] FS certificate of competency, licence, permit or registration under these regulations.

False statements

97 A person must not make a false statement in an application for ~~a~~ [an] FS certificate of competency, licence, permit or registration under these regulations.

Incompetence or gross negligence

98 A person who holds ~~a~~ [an] FS certificate of competency, licence, permit or registration under these regulations must not act incompetently or with gross negligence when acting under the authority of their certificate of competency, licence, permit or registration.

Gas registration terms and conditions

99 A gas business licence holder must not violate the terms and conditions of a gas registration.

Safety and flame safeguard controls

100 An oil burner technician must not make any safety or flame safeguard control inoperative.

N.S. Reg. 12/2011
Made: January 18, 2011
Filed: January 20, 2011
Power Engineers Regulations

Order in Council 2011-29 dated January 18, 2011
Regulations made by the Governor in Council
pursuant to Section 49 of the *Technical Safety Act*

The Governor in Council on the report and recommendation of the Minister of Labour and ~~Advanced Education~~ [Workforce Development] dated December 15, 2010, and pursuant to Section 49 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*, is pleased, effective on and after April 1, 2011 to:

(a) repeal the *Power Engineers Regulations*, N.S. Reg. 108/2001, made by the Minister of Environment and Labour on August 15, 2001, and approved by the Governor in Council by Order in Council 2001-412 dated August 23, 2001; and

(b) make new regulations respecting power engineers in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Regulations Respecting Power Engineers
made by the Governor in Council under Section 49
of Chapter 10 of the Acts of 2008, the *Technical Safety Act*

Interpretation and Application

Citation
1 These regulations may be cited as the *Power Engineers Regulations*.

Definitions
2 (1) In these regulations,

"Act" means the *Technical Safety Act*;

"apprentice" means an apprentice registered under the *Apprenticeship and Trades Qualifications Act* and enrolled in a program under that Act to qualify for a PE certificate of qualification;

"assistant shift plant operator" of a regulated plant means a plant operator or power engineer who holds a class of PE licence that is at least equivalent to 1 class lower than the licence required for the regulated plant's shift plant operator and who, under the supervision of a shift plant operator or shift power engineer, operates or is responsible for a section of a refrigeration plant or compressor plant;

"assistant shift power engineer" of a regulated plant means a power engineer who holds a class of PE licence that is at least equivalent to 1 class lower than the licence required for the regulated plant's shift power engineer and who, under the supervision of a shift power engineer, operates or is responsible for a section of a plant;

"automatic control" means a device that starts, stops and modulates the operations of a plant without the intervention of a person;

"boiler plant" means a single boiler or multiple boilers with a common distribution system that are considered to be 1 plant under Section 10, and includes a fired power boiler plant, an unfired power boiler plant or a heating boiler plant;

"Canadian Association of Chief Inspectors" or "ACI" means the association of chief inspectors for boilers and pressure vessels or equipment that acts as a technical committee for the Canadian Standards Association and is responsible for reviewing and making recommendations on standards, products or procedures for regulated products, regulated plants and regulated work;

"chief plant operator" means a plant operator or a power engineer who has charge of and responsibility for the operation of a refrigeration plant or compressor plant and is designated as the chief plant operator of the plant in accordance with Section 28, and includes a chief plant operator designated on a temporary basis under Section 29;

"chief power engineer" means a power engineer who has charge of and responsibility for the operation of a regulated plant and is designated as the chief power engineer of the plant in accordance with Section 28, and includes a chief power engineer designated on a temporary basis under Section 29;

"coiled-tube boiler" means a boiler that is

(i) equipped with 1 or more coils or tubes with forced water circulation submitted to flame action, and

(ii) not equipped with a storage tank;

"compressor plant" means an installation consisting of any type of compressor, pressure vessels, pipes, fittings, machinery or other equipment used for compressing and storing air or other gas under pressure;

"continuous supervision", in relation to a regulated plant, means that the plant is supervised by a power engineer or plant operator located in each of the following locations:

(i) in the plant and within the audible and visual range of the alarm system for the plant,

(ii) in the primary control area of the plant, where the person can manually control the plant by starting, stopping, restarting or modulating the operations of the plant;

"direct supervision", in relation to a trainee at a regulated plant, means that the trainee is supervised by a power engineer or plant operator who

(i) is physically in the plant,

(ii) has control over the trainee's activities,

(iii) instructs and directs the trainee, and

(iv) is in direct communication with the trainee whenever the trainee is performing the duties of a power engineer or plant operator;

"expansible fluid" means either of the following:

(i) a vapour or gaseous substance,

(ii) a substance that is a liquid under its current pressure and temperature but that will change to a gas or vapour when the pressure is reduced to atmospheric pressure;

"extended alarm system" means an alarm system that meets all of the following criteria:

(i) it extends beyond the room that houses the plant,

(ii) it audibly and visually warns the power engineer, plant operator and any person in the vicinity of the plant that there is an abnormal operating condition at the plant,

(iii) it cannot be shut off until any abnormal condition warned of is rectified or the plant is shut down;

"fired", in relation to a boiler, means that the boiler contents are heated by electricity or the product of combustion of a fuel;

"Group A1" or "A1", in relation to refrigerants, means the Group A1 class of refrigerant as defined and classified in the PE standards;

"Group A2" or "A2", in relation to refrigerants, means the Group A2 class of refrigerant as defined and classified in the PE standards;

"Group A3" or "A3", in relation to refrigerants, means the Group A3 class of refrigerant as defined and classified in the PE standards;

"Group B1" or "B1", in relation to refrigerants, means the Group B1 class of refrigerant as defined and classified in the PE standards;

"Group B2" or "B2", in relation to refrigerants, means the Group B2 class of refrigerant as defined and classified in the PE standards;

"Group B3" or "B3", in relation to refrigerants, means the Group B3 class of refrigerant as defined and classified in the PE standards;

"guarded", in relation to a regulated plant, means that the plant meets all of the following criteria:

(i) it functions automatically under automatic controls and with safety devices that limit the operation of the plant to preset safety parameters,

(ii) it is equipped and maintained in accordance with the requirements for guarded plants in Sections 21 to 26, or as otherwise required under these regulations;

"heating boiler" means a fired steam boiler or a fired high-temperature hot-water boiler;

"indirect system" means a system with a secondary coolant that is cooled or heated by a refrigeration system and circulated to the air or other substance to be cooled or heated;

"interprovincial certificate of qualification" means a category of PE certificate of qualification granted by the PE chief inspector to an individual who has successfully completed the examinations prepared by the Standardization of Power Engineers Examinations Committee (SOPEEC) established by the Canadian Association of Chief Inspectors, in recognition of the individual's qualifications to perform the category of regulated work covered under the class of the PE certificate of qualification as recognized by these regulations;

"logbook" means either of the following used for keeping a record of plant operations and maintenance:

(i) a bound book with numbered pages,

(ii) a record kept in an electronic format approved by the PE chief inspector;

"minimum supervision", in relation to a regulated plant, means that the plant is supervised by a power engineer or plant operator who manually starts the plant when the plant is not operating under automatic control;

"PE certificate of qualification" means a certificate of competency in the form of an interprovincial certificate of qualification or a Provincial certificate of qualification;

"PE chief inspector" means the inspector designated as chief inspector for the purposes of the Act and these regulations;

"PE fees" means the fees for power engineer services set by the Minister in the *Technical Safety Fees Regulations* made under the Act;

"PE inspector" means an inspector designated for the purposes of the Act and these regulations;

"PE licence" means a licence for undertaking regulated work under Section 23 of the Act that is granted to an individual by the PE chief inspector to authorize the individual to operate a regulated plant or perform the category of regulated work covered by the class of the licence as specified in the licence;

"PE standards" means the standards for power engineers or plant operators established or adopted by the Minister in the *Technical Safety Standards Regulations* made under the Act;

"periodic supervision", in relation to a regulated plant, means that the plant is supervised by a power engineer or plant operator who

(i) is located on the plant site within range of the extended alarm system for the regulated plant whenever the plant is being operated and any building containing or serviced by the plant is occupied, and

(ii) starts the plant manually whenever the regulated plant is not operated under automatic control;

"plant operator" means an individual who holds a PE licence under these regulations that is of a class of licence that authorizes them to perform the work or duties of a plant operator in a position specified for a class of plant as set out in Sections 43 to 54;

"plant registration certificate" means a certificate issued by the PE chief inspector to the owner of a regulated plant that displays all of the following as determined in accordance with these regulations:

(i) the plant's classification under these regulations,

(ii) the plant's TPPR,

(iii) the supervision required for the plant,

(iv) the class of PE licence that must be held by the chief power engineer or chief plant operator and the shift power engineer or shift plant operator of the regulated plant;

"plant site" means the regulated plant and the property on which the plant is situated that is leased or owned by the owner, but does not include property that is separated by a public access route;

"power boiler" means a fired or unfired steam boiler;

"power engineer" means an individual who holds a PE licence under these regulations that is of a class of licence that authorizes them to perform the work or duties of a power engineer or plant operator in a position specified for a class of plant as set out in Sections 43 to 54;

"power rating" means the power rating of a regulated product measured in kilowatts (kW), as determined under Section 9;

"pressure" means pressure in kilopascals (kPag) or pounds per square inch (psig) as measured by a pressure gauge directly connected to the equipment that contains the pressurized material the gauge is measuring the pressure of;

"pressure vessel" means a vessel or other apparatus, other than a boiler, that is or may be used for containing, storing, distributing, transferring, distilling, processing or otherwise handling gas, air or liquid at a pressure of higher than 103 kPag (15 psig) and that has the following measurements:

(i) a diameter of larger than 152 mm (6 in.),

(ii) a capacity of greater than 42.5 L (1.5 cu. ft.);

"Provincial certificate of qualification" means a category of PE certificate of qualification granted to an individual by the PE chief inspector in recognition of the individual's qualifications to conduct the category of regulated work covered by the class of PE certificate of qualification as specified in these regulations;

"reduced supervision", in relation to a regulated plant, means a level of reduced supervision authorized under Section 16;

"regulated plant" means a plant prescribed in Section 3;

"self-contained system" means a system that meets all of the following criteria:

(i) it is completely factory made and tested,

(ii) it is fully framed or enclosed,

(iii) it is fabricated and shipped in 1 or more sections,

(iv) any parts of it that contain refrigerant are not connected in the field other than by companion or block valves;

"shift plant operator" of a regulated plant means a plant operator or power engineer who has charge of and operates the plant under the direction and supervision of a chief plant operator or chief power engineer and who holds ~~of~~ a class of PE licence at least equivalent to 1 class lower than the class of PE licence required for the chief plant operator or chief power engineer of the plant;

"shift power engineer" of a regulated plant means a power engineer who has charge of and operates the plant under the direction and supervision of a chief power engineer [and] who holds ~~of~~ a class of PE licence at least equivalent to 1 class lower than the class of PE licence required for the chief power engineer of the plant;

"supervision", in relation to an individual in a regulated plant other than a trainee, means that the individual is supervised by a power engineer or plant operator at the plant who

(i) instructs and directs the individual,

(ii) is responsible for the individual's actions at the plant, and

(iii) provides assistance and support to the individual;

"TPPR" of a regulated plant means the total plant power rating of the plant measured in kilowatts (kW), as determined under Section 10;

"trainee" means an individual, including an apprentice, who

(i) is in a training program and actively pursuing an initial class of PE certificate of qualification, or

(ii) is performing regulated work at a regulated plant but does not hold the minimum class of PE certificate of qualification required to apply for a PE licence to perform that category of regulated work at the plant;

"unfired", in relation to a boiler, means that steam is generated in the boiler without the combustion of a fuel or the direct application of an electrical heat source;

"unsupervised plant", in relation to a regulated plant, means a plant that may be operated without a power engineer or plant operator, in accordance with Sections 16 and 20.

(2) A term defined in Section ~~3~~ [2] of the *Technical Safety General Regulations* made under the Act has the same meaning when used in these regulations.

Plants prescribed (regulated plants)

3 All of the following are prescribed as plants under the Act:

(a) all of the following boiler plants:

(i) a fired power boiler plant that meets all of the following criteria:

(A) it is equipped with a safety valve designed to operate at pressures of higher than 103 kPag (15 psig),

(B) it has a TPPR of higher than 500 kW,

(ii) a fired power boiler plant that has a high-pressure coiled-tube boiler and that meets all of the following criteria:

(A) it has a water volume of greater than 284 L,

(B) it has a TPPR of higher than 500 kW,

(iii) a fired power boiler plant that has a low-pressure coiled-tube boiler and that meets all of the following criteria:

(A) it has a water volume of greater than 568 L,

(B) has a TPPR of higher 3500 kW,

(iv) an unfired power boiler plant that meets all of the following criteria:

(A) it is equipped with a safety valve designed to operate at pressures of higher than 103 kPag (15 psig),

(B) has a TPPR of higher than 3500 kW,

(v) a heating boiler plant that has a TPPR of higher than 1500 kW and that meets either of the following criteria:

(A) it has a fired steam boiler that is equipped with a safety valve designed to operate at pressures of 103 kPag (15 psig) or lower,

(B) it has a fired high-temperature hot-water boiler designed to operate at pressures of higher than 1100 kPag (160 psig) or has a water temperature at any boiler outlet of higher than 121 °C (250 °F);

(b) all of the following refrigeration plants:

(i) a refrigeration plant that uses a Group A1 or B1 refrigerant and meets either of the following criteria:

(A) it is in a public assembly, institutional or residential occupancy, as defined in the PE standards, and has a TPPR of higher than 75 kW,

(B) it is in it a commercial or industrial occupancy, as defined in the PE standards, and has a TPPR of higher than 150 kW,

(ii) a refrigeration plant that uses a Group A2, A3, B2 or B3 refrigerant and has a TPPR of higher than 37.5 kW;

(c) all of the following compressor plants:

(i) a compressor plant that compresses air or a non-flammable or non-toxic gas, other than oxygen, uses any type of compressor and has a TPPR of higher than 350 kW,

(ii) a compressor plant that compresses a flammable or toxic gas or oxygen, uses any type of compressor and has a TPPR of higher than 37.5 kW.

Regulated products prescribed

4 Except as provided in Section 5, all of the following are prescribed as regulated products under the Act and these regulations:

(a) a regulated plant;

(b) any part or section of a regulated plant.

Products exempt from Act and regulations

5 All of the following products are exempt under subsection 6(2) of the Act from the Act and these regulations:

(a) a railway operating subject to a federal or Provincial enactment;

(b) a centrifugal blower ~~used in~~ when air or other non-flammable or non-toxic gas is not stored under pressure;

(c) a plant on a vessel that is subject to the *Canada Shipping Act* (Canada).

Regulated work prescribed

6 Except as provided in Section 7, all of the following are prescribed as regulated work under the Act and these regulations:

(a) work or duties of a power engineer;

(b) work or duties of a plant operator.

Work exempted from Act and regulations

7 All of the following work is exempt under subsection 6(2) of the Act from the Act and these regulations:

(a) work by a person engaged in installing, setting up or testing a regulated plant or equipment before the regulated plant is registered;

(b) work by a person setting up or testing equipment that is part of a regulated plant when under the supervision of a power engineer or plant operator.

Recognized certification organizations prescribed

8 A certification organization recognized or accredited by the Standards Council of Canada is prescribed as a recognized certification organization under the Act and these regulations for the purposes that the certification organization is recognized or accredited by the Standards Council of Canada.

Rating of Plant Equipment

Power ratings

9 **(1)** The power ratings of the components of a regulated plant must be determined by the PE chief inspector in accordance with this Section.

(2) Except as provided in subsection (3), the power rating for a boiler must be determined by the following formula:

MHO ÷ 3412

in which MHO is the maximum heat output of the boiler as specified by the boiler manufacturer and measured in British Thermal Units per hour.

(3) If the maximum heat input or output of the boiler is unavailable, the PE chief inspector may determine the power rating by any of the following methods:

(a) by the following formula:

BHP × 9.81

in which BHP is the boiler's horsepower calculated by the manufacturer;

(b) if electric power is used as a heat source, by determining the maximum aggregate capacity of all heating elements;

(c) by measuring the maximum steam flow of the boiler.

(4) The power rating for a refrigeration compressor, air compressor or gas compressor must be the power rating of the electric motor or prime mover driving the compressor.

(5) The power rating for an electric motor or prime mover used in a regulated plant must be the maximum power specified by the manufacturer that can be delivered at the drive shaft during continuous operation.

Calculating TPPR

10 (1) The TPPR for a regulated plant must be determined by the PE chief inspector in accordance with this Section and the power ratings determined under Section 9.

(2) Subject to subsections (3) and (4), a boiler, refrigeration compressor, air compressor or gas compressor that share a common distribution system are considered a single plant and must have their respective power ratings added together to determine the TPPR for the regulated plant.

(3) The power ratings for unfired boilers at a regulated plant must be added together and must be separate from the power ratings for fired boilers at the plant when determining the TPPR for the plant.

(4) The power ratings for refrigeration systems that share an evaporator or condenser must be added together to determine the TPPR for the plant.

(5) An owner of a regulated plant may apply to the PE chief inspector to have the TPPR of a plant reduced if non-operating equipment at the plant is sealed in accordance with Section 14.

Regulated Plants

Regulated plant classes

11 The PE chief inspector must classify a regulated plant in accordance with the following table of prescribed classes:

Prescribed Class	Type of Plant	Total Plant Power Rating
Boiler Plants:		
First Class	fired power boiler plant	over 20 000 kW
Second Class	fired power boiler plant	over 10 000 kW to 20 000 kW
Third Class	fired power boiler plant	over 3500 kW to 10 000 kW
	unfired power boiler plant	over 3500 kW
	heating boiler plant	over 10 000 kW

Prescribed Class	Type of Plant	Total Plant Power Rating
Fourth Class	fired power boiler plant	over 500 kW to 3500 kW
	heating boiler plant	over 1500 kW to 10 000 kW
Refrigeration plants:		
First Class	refrigeration plant that uses a Group A1 or B1 refrigerant	over 1000 kW
	refrigeration plant that uses a Group A2, A3, B2, or B3 refrigerant	over 450 kW
Second Class	refrigeration plant that uses a Group A1 or B1 refrigerant	1000 kW or lower
	refrigeration plant that uses a Group A2, A3, B2, or B3 refrigerant	450 kW or lower
Compressor plants:		
Compressor plant	compressor plant that compresses air or a non-flammable or non-toxic gas, except oxygen, and uses any type of compressor	over 350 kW
	compressor plant that compresses oxygen or a flammable or toxic gas and uses any type of compressor	over 37.5 kW

Regulated plant registration

12 **(1)** An owner of a regulated plant must ensure that the applicable PE fees are paid and that all of the following requirements are met before the plant begins operating and while the plant is operating:

(a) the plant is registered with the PE chief inspector in the appropriate class;

(b) the plant registration certificate for the plant is displayed at the plant site at all times;

(c) the plant is in compliance with all requirements for its registration and operation.

(2) An owner of a regulated plant may apply to register, re-classify or re-register the plant by submitting a completed registration form, together with all of the following:

(a) payment of the applicable PE fees;

(b) enough information about the plant to enable it to be correctly classified;

(c) any information on the operation of the plant requested by the PE chief inspector.

(3) A plant registration certificate is valid until the earliest of all of the following dates:

(a) the expiry date specified on the certificate;

(b) except as provided in subsection (5) for the addition of a portable boiler, the date there is a change in a condition under which the regulated plant operates, whether or not the change

results in a change in plant classification, that differs from the conditions under which the plant was registered as displayed on the certificate;

(c) the date the ownership of the regulated plant changes;

(d) except as provided in subsection 17(2), the date there is a change in the level of supervision at the plant.

(4) A plant registration certificate does not expire on the date that a portable boiler is put into service at a regulated plant if all of the following conditions are met:

(a) the portable boiler is registered under the *Boiler and Pressure Equipment Regulations* made under the Act;

(b) the addition of the portable boiler does not increase the TPPR for the plant to higher than the TPPR specified on the plant's plant registration certificate.

(5) The PE chief inspector may issue a temporary plant registration certificate that is valid for less than a year if the conditions for the temporary plant registration are met and the applicable PE fees are paid.

Change of ownership

13 The owner or seller of a regulated plant must notify the PE chief inspector as soon as possible and before the plant is operating under the new owner if the ownership of the plant changes and must provide details on the identity and contact information for the new owner.

Sealing of equipment at a regulated plant

14 (1) If equipment at a regulated plant is not being operated, the PE chief inspector may seal the equipment that is no longer part of the plant and do any of the following:

(a) re-classify the plant;

(b) reduce the TPPR of the plant;

(c) reduce the level of supervision required for the plant.

(2) A person must not use or operate, or cause or permit to be used or operated any equipment sealed under subsection (1).

(3) If the PE chief inspector takes any action under clauses (1)(a) to (c), the owner of the regulated plant must re-register the plant under subsection 12(2), and the PE chief inspector must issue a new plant registration certificate to replace the plant registration certificate made invalid by the change to the plant.

Supervision of Regulated Plants

Level of supervision required

15 (1) An owner of a regulated plant must provide continuous supervision of the plant unless the PE chief inspector authorizes reduced supervision under Section 16.

(2) An owner or person in charge of a regulated plant, other than a regulated plant that is authorized under Section 16 to operate as an unsupervised plant, must not operate the plant or permit the plant to be operated unless it is operated in accordance with all of the following:

(a) it is operated under the supervision of a power engineer or a plant operator who holds a class of PE licence that qualifies them to act as the chief power engineer or chief plant operator of the plant;

(b) it is operated under the level of supervision authorized under these regulations for the regulated plant and in accordance with the requirements for the level of supervision.

(3) The PE chief inspector may direct an owner of a regulated plant to employ additional power engineers or plant operators with the required class of PE licence if the PE chief inspector is satisfied that

(a) the number of power engineers or plant operators employed by the owner is not enough to safely operate the plant;

(b) the power engineers or plant operators employed by the owner do not hold the required class of PE licence.

(4) If the PE chief inspector is not satisfied that one of the levels of supervision under these regulations is appropriate to safely operate a boiler, refrigeration or compressor plant, the PE chief inspector may direct the owner to follow additional supervision requirements for the plant above those usually required for the level of supervision.

Authorization for reduced supervision

16 (1) An owner of a regulated plant may apply to the PE chief inspector for authorization to operate the plant under less than continuous supervision and operate the plant at 1 of the following reduced levels of supervision:

(a) periodic supervision;

(b) minimum supervision;

(c) unsupervised.

(2) The PE chief inspector may authorize a reduced level of supervision for a regulated plant if the plant meets all of the following criteria:

(a) the plant is guarded and meets all the requirements for a guarded plant, including being equipped with an extended alarm system;

(b) the plant meets the requirements for the level of reduced supervision in

(i) Section 18 for periodic supervision,

(ii) Section 19 for minimum supervision,

(iii) Section 20 for an unsupervised plant.

(3) The PE chief inspector may authorize a reduced level of supervision for a regulated plant or change the level of supervision authorized for a regulated plant that is already authorized to operate under reduced supervision on a temporary basis if the conditions set out in subsection (2) are met.

(4) An owner of a regulated plant must not operate the plant or permit the plant to be operated under a reduced level of supervision unless all of the following conditions are met:

(a) the plant is authorized to operate at the reduced level of supervision under this Section;

(b) the plant continues to meet the conditions set out in subsection (2) and any additional requirements directed for the plant under subsection 15(4).

Loss of reduced supervision status

17 (1) An owner of a regulated plant that is authorized to operate at a reduced level of supervision under Section 16 must immediately change the level of supervision for the plant to continuous supervision if any of the following occurs:

(a) the extended alarm system or one of the required control, alarm and safety devices and systems is inoperative or ineffective;

(b) the plant no longer meets the conditions in subsection 16(4);

(c) the PE chief inspector is not satisfied that the reduced level of supervision is appropriate to safely operate the plant and suspends or revokes the authorization to operate at a reduced level of supervision.

(2) If the level of supervision for a regulated plant is changed under subsection (1) and is required to stay changed for longer than 14 days, the owner of the plant must apply to the PE chief inspector for a new plant registration certificate.

Periodic supervision

18 (1) Only the following types of regulated plants may be operated under periodic supervision:

(a) a fourth class fired power boiler plant;

(b) a fourth class heating boiler plant;

(c) a first or second class refrigeration plant that uses a Group A2, A3, B2 or B3 refrigerant and meets the following criteria:

(i) for a plant whose primary occupancy is a commercial or industrial occupancy,

(A) the plant has capacity control, failure detection and controller systems, and

(B) the plant has a TPPR of 1000 kW or lower, or an indirect system;

(ii) for a plant whose primary occupancy is a public assembly, institutional or residential occupancy,

(A) the plant has a TPPR of 450 kW or lower, or

(B) the plant has an indirect system with a TPPR of 1000 kW or lower;

(d) a first or second class refrigeration plant that uses a Group A1 or B1 refrigerant;

(e) a compressor plant that has a TPPR of 350 kW or lower that compresses oxygen or a flammable or toxic gas;

(f) a compressor plant that has any TPPR that compresses air or non-flammable or non-toxic gas.

(2) A power engineer or plant operator of a regulated plant that is operating under periodic supervision must not leave the plant site without ensuring all of the following:

(a) that the plant is operating under automatic control safely and in accordance with the manufacturer's specifications;

(b) that the plant is guarded;

(c) that any building containing or serviced by the plant is unoccupied.

(3) A power engineer or plant operator for a regulated plant that is operating under periodic supervision must visit the plant at least once in every 12-hour period that the plant is unoccupied, to ensure all of the following:

(a) that the plant remains guarded;

(b) that the plant is operating safely and in accordance with the manufacturer's specifications.

Minimum supervision

19 (1) Only the following types of regulated plants may be operated under minimum supervision:

(a) a fourth class fired power boiler plant that has a TPPR of 1000 kW or lower;

(b) a fourth class heating boiler plant that has a TPPR of 2000 kW or lower;

(c) an unfired power boiler plant of any class that meets the guarded control requirements for a guarded plant specified by the PE chief inspector;

(d) a refrigeration plant whose primary occupancy is a commercial or industrial occupancy that meets the following criteria:

(i) it is a first or second class refrigeration plant that

(A) uses a Group A2, A3, B2 or B3 refrigerant,

(B) has a TPPR of 450 kW or lower, or an indirect system with a TPPR of 1000 kW or lower, and

(C) has capacity control, failure detection and controller systems,

(ii) it is a second class refrigeration plant that

(A) uses a Group A1 or B1 refrigerant,

(B) has a TPPR of 1000 kW or lower, and

(C) has capacity control, failure detection and controller systems;

(e) a refrigeration plant whose primary occupancy is a public assembly, institutional or residential occupancy that meets the following criteria:

(i) it is a second class refrigeration plant that

(A) uses a Group A2, A3, B2 or B3 refrigerant, and

(B) has a TPPR of 150 kW or lower, or an indirect system with a TPPR of 450 kW or lower;

(ii) it is a second class refrigeration plant that

(A) uses a Group A1 or B1 refrigerant, and

(B) has a TPPR of 450 kW or lower, or an indirect system;

(f) a compressor plant that compresses oxygen or a flammable or toxic gas and has a TPPR of 150 kW or lower;

(g) a compressor plant that compresses air or a non-flammable or non-toxic gas and has a TPPR of 750 kW or lower.

(2) A power engineer or plant operator of a regulated plant that is operating under minimum supervision must not leave the plant site without ensuring all of the following:

(a) that the plant is operated under automatic control safely and in accordance with the manufacturer's specifications;

(b) that the plant is guarded.

(3) A power engineer or plant operator for a regulated plant that is operating under minimum supervision must visit the plant at least once in every 24-hour period that the plant is unoccupied, to ensure that the plant remains guarded.

Unsupervised plant

20 (1) Only a second class refrigeration plant that meets all of the following specifications may be operated as an unsupervised plant:

(a) the plant has a self-contained system installed in accordance with the applicable PE standards and has a TPPR of 350 kW or lower;

(b) the plant is made up of centrifugal chillers that

(i) are used for air conditioning for the comfort of inhabitants and cool the air by circulating chilled water only, and

(ii) use a Group A1 or B1 refrigerant;

(c) the plant operates at a pressure of lower than 103 kPa (15 psig);

(d) the plant is a self-contained unit that is located either outside or on a rooftop and uses a Group A1 or B1 refrigerant.

(2) An unsupervised plant must be operated in accordance with all of the following:

(a) a maintenance procedure acceptable to the PE chief inspector;

(b) the manufacturer's specifications;

(c) the applicable PE standards.

(3) An owner of a regulated plant that is operated as an unsupervised plant must provide the name of any maintenance contractor for the plant to the PE chief inspector.

Guarded Plants

Maintenance schedule and testing

21 (1) An owner, chief power engineer or chief plant operator of a regulated plant that is required to be guarded must establish a maintenance schedule for the control, alarm and safety devices and systems and the guarded controls required by Sections 22 to 26 and must maintain them in accordance with the maintenance schedule.

(2) An owner, chief power engineer or chief plant operator of a regulated plant that is required to be guarded must test and calibrate, in accordance with the manufacturer's specifications, the control, alarm and safety devices and systems and the guarded controls required by Sections 22 to 26.

Equipment for all guarded plants

22 (1) An owner of a regulated plant that is operated under conditions that require it to be guarded under these regulations must equip the plant with all of the following:

(a) an extended alarm system that is capable of initiating an alarm to a monitoring system in a location that is continuously attended when the plant is operating under guarded conditions;

(b) an automatic control system that safely operates the plant when the power engineer or plant operator in charge stops manually operating the controls.

(2) An owner of a regulated plant must ensure that when an alarm signal is initiated by an extended alarm system at a guarded plant, the power engineer or plant operator responsible for the plant is immediately notified by the person monitoring the system.

(3) An owner of a regulated plant must equip any tripping device required by Sections 23 to 26 with a manual reset that is secured and prevents access by any person other than a power engineer or plant operator.

Guarded fired power boiler plant

23 In addition to the equipment required by Section 22, an owner of a guarded fired power boiler plant must equip the plant with all of the following:

(a) a device that purges the furnace chamber in accordance with the manufacturer's specifications each time the boiler is put into use;

(b) a flame-failure tripping device that detects a flame failure and instantly stops and prevents the supply of fuel to the boiler if a flame failure occurs;

(c) a low-water-level tripping device, separate from any other device that controls the water level in the boiler during normal operation under automatic control, that instantly stops and prevents the supply of fuel to the boiler if the boiler water falls below the safe operating level specified by the manufacturer;

(d) a high-water-level tripping device, separate from any other device that controls the water level of the boiler during normal operation under automatic control, that instantly stops and

prevents the supply of fuel to the boiler if the water in the boiler goes above the safe operating level specified by the manufacturer;

(e) except if the manufacturer's design does not include one, a low-combustion-air-pressure tripping device that instantly stops and prevents the supply of fuel to the boiler if the combustion air falls below the safe operating pressure specified by the manufacturer;

(f) a high-pressure tripping device that instantly stops and prevents the supply of fuel to the boiler if the boiler pressure reaches the lower of the following:

(i) the maximum allowable working pressure,

(ii) an established high-pressure limit specified by the manufacturer;

(g) a kill switch device, mounted in a visible and readily accessible location outside the boiler room, that enables a person to turn the boiler off safely in an emergency.

Guarded hot water heating boiler plant

24 In addition to the equipment required by Section 22, an owner of a guarded high-temperature, high-pressure, hot-water heating boiler plant must equip the plant with all of the following:

(a) a high-water-temperature tripping device that instantly stops and prevents the supply of fuel to the boiler when the water in the boiler goes above the safe operating temperature specified by the manufacturer;

(b) the devices referred to in clauses 23(a), (b), (c), (e), (f) and (g).

Guarded refrigeration plant

25 (1) In addition to the equipment required by Section 22, an owner of a regulated plant must equip a guarded refrigeration plant with all of the following:

(a) unless the design prevents the possibility of liquid refrigerant being drawn into the compressor, a high-level-liquid tripping device in the evaporator or the refrigerant suction accumulator that instantly stops the electric motor or prime mover of the compressor and prevents it from re-starting if the liquid in the refrigerant level goes above the safe level specified by the manufacturer;

(b) a high-temperature tripping device, located in the coolant discharge line or in the discharge line of the compressor, that instantly stops the electric motor or prime mover of the compressor and prevents it from re-starting if the coolant or discharge gas goes above the safe operating temperature specified by the manufacturer;

(c) a high-discharge-pressure tripping device that instantly stops the electric motor or prime mover of the compressor and prevents it from re-starting if the discharge of the compressor goes above the safe operating pressure specified by the manufacturer;

(d) for a pressurized lubricating oil system, a low-oil-pressure tripping device that instantly stops the electric motor or prime mover of the compressor and prevents it from re-starting if the oil falls below the safe operating pressure specified by the manufacturer;

(e) a kill switch device that is mounted in a visible and readily accessible location outside the compressor room that enables a person to turn the compressor off safely in an emergency;

(f) a machinery room as required by the applicable PE standards.

(2) An owner of a regulated plant must equip a guarded refrigeration plant with a vapour detector that activates at the following concentration values:

(a) for a refrigerant other than ammonia, at a value less than the threshold limit value-time weighted average (TLV/TWA) concentration value for the refrigerant;

(b) if the refrigerant is ammonia, at the maximum concentration value for ammonia established in the applicable PE standards.

Guarded compressor plant

26 In addition to the equipment required by Section 22, an owner of a guarded compressor plant must equip the plant with all of the following:

(a) each of the devices described in clauses 25(1)(c), (d) and (e);

(b) a high-discharge-temperature tripping device in the discharge line of the compressor that instantly stops the electric motor or prime mover of the compressor and prevents it from re-starting if the discharge gas goes above the safe operating temperature specified by the manufacturer;

(c) for a water-cooled compressor, one of the following devices that will instantly stop the electric motor or prime mover of the compressor and prevent it from re-starting if the cooling water pressure or temperature is outside the safe operating pressure or temperature specified by the manufacturer:

(i) a low-water-pressure tripping device in the cooling water inlet line,

(ii) a high-water-temperature tripping device in the cooling water outlet line;

(d) for an air-cooled compressor, a fan-motor-overload tripping device that instantly stops the electric motor or prime mover of the compressor and prevents it from restarting if the air cooling fan becomes overloaded;

(e) for a compressor that is driven by an electric motor, a motor-overload tripping device that stops the electric motor of the compressor and prevents it from re-starting if the motor becomes overloaded.

Duties and Responsibilities

Ensuring regulated work complies with PE standards and regulations

27 An owner of a regulated plant or any person performing regulated work in a regulated plant must ensure that regulated work performed at the plant is in compliance with the applicable PE standards and these regulations.

Designation of chief power engineer or chief power operator

28 (1) Except as provided in subsections (2) and (3), an owner of a regulated plant must designate 1 of the following as required for the class of plant owned:

(a) a power engineer as chief power engineer for the plant;

(b) [a] plant operator as chief plant operator for the regulated plant.

(2) An owner who owns more than 1 regulated plant on a plant site may designate 1 person under subsection (1) for all the regulated plants on that plant site.

(3) An owner who owns 1 or more guarded regulated plants operating under minimum supervision may designate 1 person under subsection (1) for all the guarded regulated plants.

(4) An owner of a regulated plant must ensure that the chief power engineer or chief plant operator of the plant

(a) is available during the regular working hours of the plant; and

(b) does not work as a shift power engineer while employed as a chief power engineer in a first or second class boiler plant.

(5) An owner of a regulated plant must ensure that the chief power engineer or chief plant operator of the plant complies with Section 30.

Temporary chief power engineer or temporary chief plant operator

29 (1) If the chief power engineer or chief plant operator of a regulated plant is absent from a plant site for more than 96 consecutive hours, the owner of the plant must assign the duties and responsibilities of the chief power engineer or chief plant operator to another power engineer or plant operator at the regulated plant to act as temporary chief power engineer or chief plant operator for the plant during the absence.

(2) Except as provided in Section 32, an owner of a regulated plant must ensure that a temporary chief power engineer or chief plant operator holds a class of PE licence not more than 1 class lower than the class of PE licence required of the chief power engineer or chief plant operator who is absent.

(3) An owner of a regulated plant must not assign duties and responsibilities to a temporary chief power engineer or chief plant operator under this Section for longer than either of the following:

(a) 30 calendar days a year;

(b) the number of days a year authorized in writing by the PE chief inspector.

Duties of chief power engineer or chief plant operator

30 (1) The chief power engineer or chief plant operator of a regulated plant must establish and implement procedures for safely installing, inspecting, operating and maintaining the plant and plant equipment in accordance with the applicable PE standards.

(2) To ensure the procedures referred to in subsection (1) are carried out correctly, the chief power engineer or chief plant operator of a regulated plant must supervise the work and duties of all of the following:

(a) power engineer or plant operators on the plant site;

(b) trainees;

(c) any person doing maintenance work in the regulated plant that affects the operation of the plant.

(3) The chief power engineer or chief plant operator of a regulated plant must ensure all of the following:

(a) that a logbook is maintained in accordance with Section 33;

(b) that the plant is operated by enough power engineers or plant operators who hold the required class of PE licence and are adequately trained to operate the regulated plant;

(c) that a copy of both the Act and these regulations are available to the power engineers and plant operators on the plant site.

Temporary shift power engineer or shift plant operator

31 (1) If a shift power engineer or shift plant operator is absent from a regulated plant, the chief power engineer or chief plant operator of the plant may assign the duties and responsibilities of the shift power engineer or shift plant operator to another power engineer or plant operator to act as a temporary shift power engineer or shift plant operator for the plant during the absence.

(2) Except as provided in Section 32, the chief power engineer or chief plant operator of a regulated plant must ensure that a temporary shift power engineer or shift plant operator holds a class of PE licence not more than 1 class lower than the class of PE licence required of the shift power engineer or shift plant operator who is absent.

(3) ~~An~~ [A] chief power engineer or chief plant operator of a regulated plant must not assign duties and responsibilities to a temporary shift power engineer or shift plant operator under this Section for longer than either of the following:

(a) 30 calendar days a year;

(b) the number of days a year authorized in writing by the PE chief inspector.

Approval to perform duties of next higher class of licence

32 In special circumstances, the PE chief inspector may approve the holder of a class of PE licence to perform the duties of a person holding a class of PE licence of the next higher class in accordance with conditions established by the PE chief inspector and for the time period specified by the PE chief inspector.

Logbooks

33 (1) An owner of a regulated plant must provide a logbook at each plant site.

(2) For each shift, a power engineer or plant operator in charge of the shift must record all of the following information in the logbook and sign the logbook:

(a) the time, date and designation of the shift;

(b) their name;

(c) the name of each power engineer or plant operator on the shift;

(d) the name of each trainee on the shift;

(e) the plant conditions;

(f) any abnormal plant conditions and any corrective actions required or taken;

(g) any order or direction given that is

(i) contrary to normal operating procedure, or

(ii) in addition to normal operating procedure;

(h) all of the following for any order or direction referred to in clause (g):

(i) the name of the person who gave the order or direction,

(ii) the time the order or direction was given,

(iii) the reason for the order or direction;

(i) except as provided in subsection (3), the nature and frequency of any preventative maintenance procedures provided for the plant, including the testing and recording of all operational logging, control, alarm and safety systems;

(j) except as provided in subsection (3), details of any repairs made to the plant, including all of the following:

(i) the time the repairs were started,

(ii) the time the repairs where completed,

(iii) the name of the person who made the repairs.

(3) The plant operator or power engineer does not have to record the information required by clause (2)(i) or (j) in the logbook if the information is recorded separately by the owner of the regulated plant in records that are readily available to a PE inspector and the chief power engineer or chief plant operator.

(4) An owner of a regulated plant must keep the logbook and any information recorded under subsection (3) available for inspection by a PE inspector for at least 12 months from the date information was last recorded.

Electronic logbooks

34 (1) The information recorded in a logbook may be computerized if the use of an electronic logbook is approved by the PE chief inspector.

(2) The signature of a individual required to sign a logbook may be in the form of an electronic signature if the electronic signature can only be entered into the computer by the individual.

(3) An electronic logbook for a regulated plant must have a tamper-proof security feature that permits saved information to be changed only by the software administrator and the chief power engineer or chief plant operator for the plant.

Compliance audits

35 An owner of a regulated plant must make any information requested by a PE inspector available for review for a compliance audit, including all of the following:

(a) any information related to the operation of the plant;

(b) any evidence or records related to registration of the plant;

(c) any evidence or records related to supervision of the plant, including any authorization for reduced supervision of the plant;

(d) any evidence or records related to a current maintenance contract for an unsupervised plant;

(e) evidence or records related to PE certificates of qualification or PE licences held by employees at the plant.

Notice of incident under Section 13 of Act

36 The notice of an incident required under Section 13 of the Act involving a regulated plant must be given by telephone, fax or e-mail no later than 24 hours after the incident occurs and must be followed by a written report if required by the Administrator or the Administrator's designate.

PE Licences

PE licence required to perform regulated work

37 (1) Except as provided under Sections 38 and 55, a person must not perform a category of regulated work under these regulations unless the person holds a class of PE licence that authorizes the person to perform the category of regulated work.

(2) Except as provided under Sections 38 and 55, a person must not employ or permit a person to perform a category of regulated work under these regulations unless the person performing the work holds a class of PE licence that authorizes the person to perform the category of regulated work.

Certificates of qualification issued under *Crane Operators and Power Engineers Act*

38 An individual whose certificate of qualification issued under the *Crane Operators and Power Engineers Act* is continued under subsection 52(1) of the Act is not required to hold a PE licence to perform the same regulated work under these regulations, but must apply for a PE licence under Section 41 to continue to be authorized to perform regulated work under these regulations after the certificate of qualification expires.

Producing PE licence on request

39 (1) A person performing regulated work under these regulations must produce their PE licence when requested by a PE inspector.

(2) Failing to produce a PE licence under subsection (1) is *prima facie* evidence that the person does not hold a PE licence.

Classes of PE licences

40 The classes of PE licences are as follows:

(a) interprovincial first class engineer licence;

(b) interprovincial second class engineer licence;

(c) interprovincial third class power engineer licence;

(d) interprovincial fourth class power engineer licence;

(e) Provincial first class power engineer licence;

(f) Provincial second class power engineer licence;

(g) Provincial third class power engineer licence;

(h) Provincial fourth class power engineer licence;

(i) Provincial first class refrigeration plant operator licence;

(j) second class refrigeration plant operator licence;

(k) Provincial compressor plant operator licence;

(l) Provincial unfired power boiler plant operator licence.

Applying for and renewing PE licence

41 (1) An individual may apply for a specified class of PE licence or renewal of their PE licence by submitting a completed application form together with all of the following to the PE chief inspector:

(a) payment of the applicable PE fee;

(b) proof of the applicant's identity;

(c) the class of PE licence applied for;

(d) proof satisfactory to the PE chief inspector that the applicant holds either

(i) the type and class of PE certificate of qualification required in Sections 43 to 54 for the class of PE licence applied for, or

(ii) an equivalent certificate of qualification issued by another jurisdiction as permitted under Section 71.

(2) The PE chief inspector must not issue a PE licence that authorizes an individual to perform regulated work that is not covered by the type and class of PE certificate of qualification held by the individual.

Expiry and reinstatement of PE licences

42 (1) A PE licence is valid until the expiry date specified on the PE licence unless it is suspended or revoked earlier by the PE chief inspector.

(2) Subject to subsection (3) for licences expired for longer than 4 years, an individual whose licence has expired or will soon expire may reapply for a PE licence in the same manner as applying for a licence under Section 41.

(3) To apply for reinstatement of a PE licence that has been expired for longer than 4 years, an individual may be required by the PE chief inspector to successfully write an examination approved by the PE chief inspector in addition to the requirements of Section 41.

Interprovincial first class power engineer licence

43 (1) An individual who holds an interprovincial first class power engineer certificate of qualification may apply for an interprovincial first class power engineer licence.

(2) An individual who holds an interprovincial first class power engineer licence may act as any of the following for any regulated plant:

(a) chief power engineer;

(b) chief plant operator;

(c) shift power engineer;

(d) shift plant operator;

(e) assistant shift power engineer;

(f) assistant shift plant operator.

Interprovincial second class power engineer licence

44 (1) An individual who holds an interprovincial second class power engineer certificate of qualification may apply for an interprovincial second class power engineer licence.

(2) An individual who holds an interprovincial second class power engineer licence may act as any of the following:

(a) chief power engineer or chief plant operator for any of the following regulated plants:

(i) a second, third or fourth class fired power boiler plant,

(ii) any unfired power boiler plant,

(iii) any class of heating boiler plant,

(iv) any class of refrigeration plant,

(v) a compressor plant;

(b) any of the following for any regulated plant:

(i) shift power engineer,

(ii) shift plant operator,

(iii) assistant shift power engineer,

(iv) assistant shift plant operator.

Interprovincial third class power engineer licence

45 (1) An individual who holds an interprovincial third class power engineer certificate of qualification may apply for an interprovincial third class power engineer [licence].

(2) An individual who holds an interprovincial third class power engineer licence may act as any of the following:

(a) chief power engineer or chief plant operator for any of the following regulated plants:

(i) a third or fourth class fired power boiler plant,

(ii) any unfired power boiler plant,

(iii) any class of heating boiler plant,

(iv) a second class refrigeration plant

(v) a compressor plant;

(b) shift power engineer or shift plant operator for any of the following regulated plants;

(i) a second, third or fourth class fired power boiler plant,

(ii) any unfired power boiler plant,

(iii) any class of heating boiler plant,

(iv) any class of refrigeration plant,

(v) a compressor plant;

(c) assistant shift power engineer for any regulated plant;

(d) assistant shift plant operator for any regulated plant.

Interprovincial fourth class power engineer licence

46 (1) An individual who holds an interprovincial fourth class power engineer certificate of qualification may apply for an interprovincial fourth class power engineer licence.

(2) An individual who holds an interprovincial fourth class power engineer licence may act as any of the following:

(a) chief power engineer or chief plant operator for any of the following plants;

(i) a fourth class fired power boiler plant,

(ii) any unfired power boiler plant,

(iii) a fourth class heating boiler plant,

(iv) a second class refrigeration plant that

(A) uses Group A1 or B1 refrigerant and has a TPPR of 750 kW or lower, or

(B) uses Group A2, A3, B2 or B3 refrigerant and has a TPPR of 150 kW or lower,

(v) a compressor plant;

(b) shift power engineer or shift plant operator for any of the following regulated plants:

(i) a third or fourth class fired power boiler plant,

(ii) any unfired power boiler plant,

(iii) a second class refrigeration plant,

(iv) a compressor plant;

(c) assistant shift power engineer or assistant shift plant operator for any of the following regulated plants:

(i) a second, third or fourth class fired power boiler plant, or a plant with a higher TPPR if special approval to act is given in writing by the PE chief inspector,

(ii) any unfired power boiler plant,

(iii) any class of heating boiler plant,

(iv) any class of refrigeration plant,

(v) a compressor plant.

Provincial first class power engineer licence

47 (1) An individual who holds a Provincial first class power engineer certificate of qualification may apply for a Provincial first class power engineer licence.

(2) An individual who holds a Provincial first class power engineer licence may act as any of the following for any class of boiler plant or a compressor plant:

(a) chief power engineer;

(b) shift power engineer;

(c) assistant shift power engineer.

Provincial second class power engineer licence

48 (1) An individual who holds a Provincial second class power engineer certificate of qualification may apply for a Provincial second class power engineer licence.

(2) An individual who holds a Provincial second class power engineer licence may act as any of the following:

(a) chief power engineer for any of the following regulated plants:

(i) a second, third or fourth class fired power boiler plant,

(ii) any unfired power boiler plant,

(iii) any class of heating boiler plant,

(iv) a compressor plant;

(b) shift power engineer or assistant shift power engineer for any of the following regulated plants:

(i) any class of boiler plant,

(ii) a compressor plant.

Provincial third class power engineer licence

49 (1) An individual who holds a Provincial third class power engineer certificate of qualification may apply for a Provincial third class power engineer licence.

(2) An individual who holds a Provincial third class power engineer licence may act as any of the following:

(a) chief power engineer for any of the following regulated plants:

(i) a third or fourth class fired power boiler plant,

(ii) any unfired power boiler plant,

(iii) any class of heating boiler plant,

(iv) a compressor plant;

(b) shift power engineer for any of the following regulated plants:

(i) a second, third or fourth class fired power boiler plant,

(ii) any unfired power boiler plant,

(iii) any class of heating boiler plant,

(iv) a compressor plant;

(c) assistant shift power engineer for any of the following regulated plants:

(i) any class of fired power boiler plant,

(ii) any unfired power boiler plant,

(iii) any class of heating boiler plant,

(iv) a compressor plant.

Provincial fourth class power engineer licence

50 (1) An individual who holds a Provincial fourth class power engineer certificate of qualification may apply for a Provincial fourth class power engineer.

(2) An individual who holds a Provincial fourth class power engineer licence may act as any of the following:

(a) chief power engineer for any of the following regulated plants:

(i) a fourth class fired power boiler plant,

(ii) any unfired power boiler plant,

(iii) a fourth class heating boiler plant,

(iv) a compressor plant;

(b) shift power engineer for any of the following regulated plants:

(i) a third or fourth class fired power boiler plant,

(ii) any unfired power boiler plant,

(iii) any class of heating boiler plant,

(iv) a compressor plant;

(c) assistant shift power engineer for any of the following regulated plants:

(i) a second class fired power boiler plant or a plant with a higher TPPR if special approval to act is given in writing by the PE chief inspector,

(ii) any unfired power boiler plant,

(iii) any class of heating boiler plant,

(iv) a compressor plant.

First class refrigeration plant operator licence

51 (1) An individual who holds a Provincial first class refrigeration plant operator certificate of qualification may apply for a first class refrigeration plant operator licence.

(2) An individual who holds a first class refrigeration plant operator licence may act as any of the following for any class of refrigeration plant:

(a) chief plant operator;

(b) shift plant operator;

(c) assistant shift plant operator.

Second class refrigeration plant operator licence

52 (1) An individual who holds an interprovincial second class refrigeration plant operator certificate of qualification or a Provincial second class refrigeration plant operator certificate of qualification may apply for a second class refrigeration plant operator licence.

(2) An individual who holds a second class refrigeration plant operator licence may act as any of the following:

(a) chief plant operator for a second class refrigeration plant;

(b) any of the following for any class of refrigeration plant:

(i) shift plant operator;

(ii) assistant shift plant operator.

Compressor plant operator licence

53 (1) An individual who holds a Provincial compressor plant operator certificate of qualification may apply for a compressor plant operator licence.

(2) An individual who holds a compressor plant operator licence may act as any of the following for any compressor plant:

(a) chief plant operator;

(b) shift plant operator;

(c) assistant shift plant operator.

Unfired power boiler plant operator licence

54 (1) An individual who holds a Provincial unfired power boiler plant operator certificate of qualification may apply for an unfired power boiler plant operator licence.

(2) An individual who holds an unfired power boiler plant operator licence may act as any of the following for any unfired power boiler plant:

(a) chief plant operator;

(b) shift plant operator;

(c) assistant shift plant operator.

Trainees

55 (1) A trainee at a regulated plant is not required to hold the class of PE licence required to perform regulated work at the plant if all of the following conditions are met:

(a) the trainee is under the direct supervision of a power engineer or plant operator who

(i) has charge of the regulated plant at all times, and

(ii) holds a class of PE licence that requires the type and class of PE certificate of qualification that the trainee is training for or a higher type and class of PE certificate of qualification;

(b) any regulated work performed by the trainee is within the scope of

(i) the class of PE licence held by the supervising power engineer or plant operator, and

(ii) the type and class of PE certificate of qualification the trainee is training for or a lower type and class of PE certificate of qualification;

(c) the trainee complies with all the other requirements of the Act and these regulations.

(2) An owner of a regulated plant must ensure that a trainee who is not an apprentice registers with the PE chief inspector before working in the plant.

(3) An owner of a regulated plant must ensure that

(a) all the conditions in subsection (1) are met; and

(b) the direct supervision provided to a trainee is appropriate for the risk associated with the regulated work the trainee is performing.

(4) An owner of a regulated plant must not use a trainee as a replacement for a power engineer or plant operator who is required under Sections 43 to 54 to hold either of the following:

(a) a class of PE licence that requires the type and class of PE certificate of qualification the trainee is training for;

(b) a higher class of PE licence than described in clause (a).

(5) An owner of a regulated plant must submit a training program to the PE chief inspector for approval for any trainee who is not an apprentice.

PE Certificates of Qualification

Types and classes of PE certificates of qualification

56 (1) The classes for interprovincial type PE certificates of qualification are as follows:

(a) interprovincial first class power engineer certificate of qualification;

(b) interprovincial second class power engineer certificate of qualification;

(c) interprovincial third class power engineer certificate of qualification;

(d) interprovincial fourth class power engineer certificate of qualification;

(e) interprovincial second class refrigeration plant operator certificate of qualification.

(2) The classes for Provincial type PE certificates of qualification are as follows:

(a) Provincial first class power engineer certificate of qualification;

(b) Provincial second class power engineer certificate of qualification;

(c) Provincial third class power engineer certificate of qualification;

(d) Provincial fourth class power engineer certificate of qualification;

(e) Provincial first class refrigeration plant operator certificate of qualification;

(f) Provincial second class refrigeration plant operator certificate of qualification;

(g) Provincial compressor plant operator certificate of qualification;

(h) Provincial unfired power boiler plant operator certificate of qualification.

Applying for PE certificate of qualification

57 An individual may apply for a specified type and class of PE certificate of qualification by submitting a completed application form together with all of the following to the PE chief inspector:

(a) payment of the applicable PE fees;

(b) proof of the applicant’s identity;

(c) the type and class of PE certificate of qualification applied for;

(d) proof satisfactory to the PE chief inspector that the applicant either

(i) meets the practical experience requirements for the type and class of PE certificate of qualification applied for, including written verification of their practical experience from the chief engineer or chief plant operator of the plant where they obtained it, or

(ii) for a Provincial-type PE certificate of qualification issued under subsection 71(1), holds a certificate of qualification from another jurisdiction or organization and has equivalent experience and qualifications;

(e) proof satisfactory to the PE chief inspector that the applicant has successfully completed all examinations required for the type and class of PE certificate of qualification applied for.

Classes of Provincial PE certificate of qualification renewed or replaced only

58 (1) Except as provided under subsection (2) and subsection 71(1), the following Provincial PE certificates of qualification may be granted by the PE chief inspector only to renew or replace valid Provincial certificates of qualification:

(a) Provincial first class power engineer certificate of qualification;

(b) Provincial second class power engineer certificate of qualification;

(c) Provincial third class power engineer certificate of qualification;

(d) Provincial fourth class power engineer certificate of qualification.

(2) The PE chief inspector may grant a Provincial PE certificate of qualification if the PE chief inspector decides that it is appropriate.

Term of certificate of qualification

59 (1) A PE certificate of qualification is valid unless suspended or revoked by the PE chief inspector.

(2) A PE certificate of qualification is not transferable and may be used only by the individual who was granted the certificate of qualification.

Producing PE certificate of qualification on request

60 (1) A holder of a PE certificate of qualification must produce their PE certificate of qualification when requested by a PE inspector.

(2) Failing to produce a PE certificate of qualification under subsection (1) is *prima facie* evidence that the person does not hold a PE certificate of qualification.

Practical Experience Required for PE Certificates of Qualification

Months of practical experience calculated

61 For the practical experience required in Sections 62 to 65, 166 hours of practical experience is equal to 1 month of practical experience and any more hours of experience acquired in a month cannot be carried over to another month.

Practical experience for interprovincial power engineer certificates of qualification

62 (1) An applicant for an interprovincial first class power engineer certificate of qualification must meet 1 of the following practical experience requirements:

(a) 30 months' experience as a chief power engineer in a second class boiler plant;

(b) 30 months' experience as a shift power engineer in a first class boiler plant;

(c) 42 months' experience as an assistant shift power engineer in a first class boiler plant;

(d) 15 months of the type of experience described in clauses (a), (b), or (c), and 30 months' experience designing, constructing, installing, repairing or maintaining equipment of a boiler plant;

(e) 15 months of the type of experience described in clauses (a), (b) or (c), and a degree in mechanical or chemical engineering.

(2) An applicant for an interprovincial second class power engineer certificate of qualification must meet 1 of the following practical experience requirements:

(a) 24 months' experience as a chief power engineer in a third class boiler plant;

(b) 24 months' experience as a shift power engineer in a second class boiler plant;

(c) 24 months' experience as an assistant shift power engineer in a first class boiler plant;

(d) 12 months of the type of experience described in clauses (a), (b), or (c), and at least 24 months' experience designing, constructing, installing, repairing or maintaining the equipment of a boiler plant;

(e) 12 months of the type of experience described in clauses (a), (b) or (c), and a degree in mechanical or chemical engineering.

(3) An applicant for an interprovincial third class power engineer certificate of qualification must meet 1 of the following practical experience requirements:

(a) 12 months' experience as a chief power engineer in a fourth class boiler plant;

(b) 12 months' experience as a shift power engineer in a third class boiler plant;

(c) 12 months' experience as an assistant shift power engineer in a second class boiler plant;

(d) 6 months of the type of experience described in clauses (a), (b) or (c), and at least 18 months' experience designing, constructing, installing, repairing or maintaining equipment of a boiler plant;

(e) 6 months of the type of experience described in clause (a), (b) or (c), and successful completion of a course in power engineering acceptable to the PE chief inspector leading to an interprovincial third class power engineer PE certificate of qualification;

(f) 6 months of the type of experience described in clause (a), (b) or (c), and a degree in mechanical or chemical engineering;

(g) 6 months of the type of experience described in clause (a), (b) or (c), and 12 months' experience as a chief power engineer in an unfired power boiler plant;

(h) 6 months of the experience described in clause (a), (b) or (c), and 12 months' experience as a shift power engineer in an unfired power boiler plant.

(4) An applicant for an interprovincial fourth class power engineer certificate of qualification must meet 1 of the following practical experience requirements:

(a) 12 months' experience training to operate a fourth class fired power boiler plant;

(b) 12 months' experience training to operate a fourth class heating boiler plant;

(c) 6 months of the type of experience described in clause (a) or (b), and at least 12 months' experience designing, constructing, installing, repairing or maintaining equipment of a boiler plant;

(d) 6 months of the type of experience described in clause (a) or (b), and successful completion of a course in power engineering acceptable to the PE chief inspector leading to an interprovincial fourth class power engineer certificate of qualification;

(e) 3 months of the type of experience described in clause (a) or (b), and a degree in mechanical or chemical engineering;

(f) 6 months of the type of experience described in clause (a) or (b), and 12 months' experience training in the operation of any unfired power boiler plant.

Practical experience for refrigeration plant operator certificates of qualification

63 (1) An applicant for a Provincial first class refrigeration plant operator certificate of qualification must meet 1 of the following practical experience requirements:

(a) 24 months' experience as a chief plant operator of a second class refrigeration plant;

(b) 24 months' experience as a shift plant operator of a first class refrigeration plant;

(c) 12 months of the type experience described in clauses (a) or (b), and at least 24 months' experience designing, constructing, installing, repairing or maintaining equipment of a refrigeration plant;

(d) 12 months of the type of experience described in clauses (a) or (b), and a degree in mechanical or chemical engineering.

(2) An applicant for a Provincial second class refrigeration plant operator certificate of qualification or an interprovincial second class refrigeration plant operator certificate of qualification must meet 1 of the following practical experience requirements:

(a) 12 months' experience training in the operation of refrigeration equipment in a refrigeration plant;

(b) a refrigeration and air conditioning mechanic certificate of qualification issued under the *Apprenticeship and Trades Qualifications Act*, or an equivalent certification;

(c) 3 months of the type of experience described in clause (a), and a degree in mechanical or chemical engineering.

Practical experience for compressor plant operator certificate of qualification

64 An applicant for a Provincial compressor plant operator certificate of qualification must meet 1 of the following practical experience requirements:

(a) 12 months' experience training to operate air or gas compressor equipment in a compressor plant;

(b) 6 months of the type of experience described in clause (a), and 12 months' experience designing, constructing, installing, repairing or maintaining equipment of a compressor plant;

(c) 3 months of the type of experience described in clause (a), and a degree in mechanical or chemical engineering.

Practical experience for unfired power boiler plant operator certificate of qualification

65 An applicant for a Provincial unfired boiler plant operator certificate of qualification must meet 1 of the following practical experience requirements:

(a) 12 months' experience training to operate boiler equipment in any unfired power boiler plant;

(b) 6 months of the type of experience described in clause (a), and 12 months' experience designing, constructing, installing, repairing or maintaining the equipment of any unfired boiler plant;

(c) 3 months of the type of experience described in clause (a), and a degree in mechanical or chemical engineering.

Examinations

Examination eligibility

66 (1) An individual who applies to take an examination leading to a PE certificate of qualification must meet 1 of the following educational requirements:

(a) successful completion of grade 12 from a high school in the Province, or the equivalent;

(b) successful completion of a course in power engineering acceptable to the PE chief inspector that is

(i) at the same level as the type and class of PE certificate of qualification the examination for which the individual is applying, and

(ii) approved by the PE chief inspector as equivalent to clause (a).

(2) Except as provided in subsection (3), an applicant for examination must hold a PE certificate of qualification that is no lower than 1 class lower than the class of PE certificate of qualification that the examination is leading toward.

(3) Subsection (2) does not apply to an applicant for an examination leading to an entry level class of PE certificate of qualification.

Applying for examination

67 ~~(1)~~ An individual may apply to take an examination leading to a PE certificate of qualification by submitting a completed application form together with all of the following to the PE chief inspector:

(a) payment of the applicable PE fees;

(b) proof of the applicant's identity;

(c) the examination requested, including the type and class of PE certificate of qualification the examination is leading toward;

(d) proof satisfactory to the PE chief inspector that the applicant meets the eligibility requirements in Section 66;

(e) proof satisfactory to the PE chief inspector that the applicant has completed the practical experience required for the type and class of PE certificate of qualification the examination applied for is leading toward, including written verification of their practical experience from the chief engineer or chief plant operator of the plant where they obtained the experience.

Examination pass mark

68 The passing grade for an examination leading to a PE certificate of qualification is 65%.

Re-examination

69 (1) Except as provided in subsection (3), no sooner than 60 days after the date of an examination, an individual who failed the examination may apply in writing to the PE chief inspector to retake the examination.

(2) An applicant for re-examination must pay the applicable PE fee.

(3) An individual who fails an examination 3 or more consecutive times cannot apply to retake the same examination for at least 6 months from the date they last took the examination, and must provide documentation of any additional training the individual has taken since the failed examination that is acceptable to the PE chief inspector before they can retake the examination.

Equivalent acceptable qualifications

70 (1) The PE chief inspector may accept, in accordance with this Section, any of the equivalent qualifications listed in subsection (2) in place of some or all of the following:

(a) the practical experience qualifications required for a PE certificate of qualification in Sections 62 to 65;

(b) the examination eligibility requirements in Section 66.

(2) The following may be considered as acceptable equivalent qualifications:

(a) relevant service or training in the Canadian Forces or the equivalent;

(b) experience in constructing, operating, repairing, or testing a type of regulated plant that the PE chief inspector determines is relevant to the type and class of PE certificate of qualification applied for;

(c) successful completion of courses in a technical or trade school recognized by the PE chief inspector;

(d) the completion in whole or part of a correspondence course or formal course of study in power engineering recognized by the PE chief inspector.

(3) Completion of part or all of a course in power engineering under clause (2)(c) or (d) may be considered equivalent to either of the following:

(a) up to 12 months of fired power boiler plant operating experience applied toward an interprovincial first class power engineer certificate of qualification;

(b) up to 9 months of fired power boiler plant operating experience applied toward an interprovincial second class power engineer certificate of qualification.

(4) The PE chief inspector may consider completion of all or part of a course of study to be equivalent to the practical experience required by Sections 62 to 65 and may determine the amount of experience that the course is equivalent to.

Other Jurisdictions

Recognition of other jurisdictions and organizations

71 (1) The PE chief inspector may grant a Provincial-type PE certificate of qualification to an individual who applies under Section 57 who

(a) holds a certificate of qualification from another jurisdiction or organization; and

(b) has practical experience and educational qualifications that are sufficiently equivalent to the requirements for the Provincial-type PE certificate of qualification under these regulations.

(2) An individual from another jurisdiction who holds a valid certificate of qualification issued by the jurisdiction that is equivalent to a class of interprovincial-type PE certificate of qualification under these regulations is eligible to apply under Section 41 for a class of PE licence for which the certificate is required.

(3) If an applicant in subsection (2) holds an interprovincial PE certificate of qualification with an expiry date, the applicant is also eligible for the associated type and class of PE certificate of qualification.

Offences

Fraudulent use of PE certificate of qualification or PE licence

72 A person must not make fraudulent use of a PE certificate of qualification or PE licence.

Incompetence or gross negligence

73 A person who holds a PE certificate of qualification or PE licence must not act incompetently or with gross negligence when acting under the authority of their certificate or licence.

Ensuring compliance with requirements for regulated plant

74 An owner or operator of a regulated plant must ensure that the requirements for registration, supervision and guarding under these regulations that apply to the plant are complied with.

N.S. Reg. 13/2011
Made: January 18, 2011
Filed: January 20, 2011
Crane Operators Regulations

Order in Council 2011-30 dated January 18, 2011
Regulations made by the Governor in Council
pursuant to Section 49 of the *Technical Safety Act*

The Governor in Council on the report and recommendation of the Minister of Labour and ~~Advanced Education~~ [Workforce Development] dated December 15, 2010, and pursuant to Section 49 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*, is pleased, effective on and after April 1, 2011 to:

(a) repeal the *Crane Operators Regulations*, N.S. Reg 115/2001, made by the Minister of Environment and Labour on August 29, 2001, and approved by the Governor in Council by Order in Council 2001-434 dated August 30, 2001; and

(b) make new regulations respecting crane operators in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Crane Operators Regulations
made by the Governor in Council under Section 49
of Chapter 10 of the Acts of 2008, the *Technical Safety Act*

Interpretation and Application

Citation
1 These regulations may be cited as the *Crane Operators Regulations*.

Definitions
2 **(1)** In these regulations,

"Act" means the *Technical Safety Act*;

"apprentice" means an apprentice registered under the *Apprenticeship and Trades Qualifications Act* and enrolled in a program under that Act to qualify to perform the regulated work of a crane operator;

"articulating boom" means a boom that is all of the following:

(i) it is typically constructed of hollow structural steel sections with each section of a smaller cross-section housed inside the next larger section,

(ii) it is supported and raised or lowered by a hydraulic cylinder attached to the boom and crane superstructure,

(iii) it can be increased or diminished in length by telescoping each section of boom through hydraulic actuation,

(iv) it is capable of articulating or pivoting, at multiple points along the boom, in the vertical plane using hydraulic actuation,

(v) it is capable of including a winch for lifting a load;

"boom" means a structural arm that supports, lifts, moves or guides a load by means of a rope, cable, block, hook or other rigging hardware;

"boom truck" means a lifting device that meets all of the following criteria:

(i) it is mounted on and powered by 1 of the following:

(A) a commercial truck chassis with a carrying deck designed to carry a payload,

(B) a ~~semi tractor trailer truck~~ [truck tractor semi-trailer],

(ii) it has a rated lifting capacity of more than 4.5 tonnes (5 tons),

(iii) it has a telescoping or articulating boom;

"bridge" means that part of an overhead travelling crane that carries the trolley or trolleys across a horizontal plane and meets all the following criteria:

(i) it has 1 or more girders,

(ii) it has 1 or more trucks,

(iii) it has a drive mechanism;

"CO certificate of competency" means a certificate of competency granted to an individual under Section 26 of the Act by the CO chief inspector in recognition of the individual's qualifications to perform the regulated work the class of certificate covers;

"CO chief inspector" means the inspector designated as the chief inspector for the purposes of the Act and these regulations;

"CO fees" means the fees for crane operator services set by the Minister in the *Technical Safety Fees Regulations* made under the Act;

"CO inspector" means an inspector designated for the purposes of the Act and these regulations;

"CO licence" means a licence granted to an individual under Section 23 of the Act that authorizes the individual to perform regulated work according to the class of licence and as specified in the licence;

"CO standards" means the standards for crane operators established or adopted by the Minister in the *Technical Safety Standards Regulations* made under the Act;

"crane operator" means an individual who holds a CO licence and any endorsement required under these regulations, or is deemed to hold a CO licence under Section 52 of the Act;

"designated rigger" means an individual designated by an owner of a regulated crane to perform the rigging for a lift with the crane;

"direct supervision", in relation to a trainee, means that the trainee is supervised by a crane operator who

(i) has control over the trainee's activities,

(ii) instructs and directs the trainee, and

(iii) is able to be in direct communication with the trainee whenever the trainee is performing the duties of a crane operator;

"endorsement" means an authorization granted to an individual under Section 22 of the Act by the CO chief inspector, in conjunction with either a CO certificate of competency or a CO licence, that authorizes the individual to perform regulated work according to the type and class of endorsement;

"lattice boom" means a boom that meets all of the following criteria:

(i) it is typically constructed of tubular or structural steel chords with steel lacings that interconnect to form a rigid frame,

(ii) it is supported by a gantry or mast,

(iii) it is raised or lowered by a series of wire ropes and sheaves attached to the gantry or mast and to the lifting device's superstructure,

(iv) it can be increased or diminished in length by manually adding or removing sections;

"lattice boom crane" means a mobile crane that is equipped with a lattice boom;

"logbook" means a bound book with numbered pages or a record kept in electronic format approved by the CO chief inspector that is used for keeping a record of the operation, inspections, testing, maintenance and servicing performed on a regulated crane;

"mobile crane" means a lifting device that meets all of the following criteria:

(i) it is equipped with a lattice or telescoping boom,

(ii) it is mounted on a chassis or structure designed specifically to carry or transport the lifting device,

(iii) it is mounted on a turret or turntable designed to rotate the lifting device in the horizontal plane,

(iv) it has a manufacturer's rated lifting capacity of more than 4.5 tonnes (5 tons);

"monorail" means the part of an overhead travelling crane that carriers the trolley or trolleys in 1 or more directions and meets all the following criteria:

(i) it has 1 overhead beam,

(ii) it has a truck,

(iii) it can have a drive mechanism;

"operator's seat" means the place where a crane operator is located to operate the controls for a regulated crane to hoist or control the movement of the load for the crane;

"overhead travelling crane" means a lifting device that is used for raising, lowering, transporting or moving material and meets all of the following criteria:

(i) it is mounted on wheels,

(ii) it travels overhead on rails or beams that are either fixed overhead or supported from the ground,

(iii) it incorporates a power-driven drum and bridge and a cable or rope,

(iv) it uses a bridge and trolley, or monorail and trolley, and a winch for moving a load in the vertical and horizontal planes,

(v) it has a rated lifting capacity of more than 9.1 tonnes (10 tons);

"rated lifting capacity" means the rated lifting capacity specified by the manufacturer that is the maximum load lifting capacity at the highest lifting angle that can be attained by the crane at the minimum load lifting radius;

"regulated crane" means a crane prescribed as a regulated product in clauses 3(a) to (f);

"rigging" means performing a load calculation and selecting, configuring or installing the rigging hardware between the point of lift of the crane and a load;

"rigging hardware" means a device or devices used to attach a load to the point of lift of a crane and includes chains, cables, wires, ropes, webbing, buckets, grapples, shackles, hooks, rings or slings used by the devices;

"self-erecting tower crane" means a portable tower crane that meets all of the following criteria:

(i) it is capable of self-erection by means of articulation from a position for transport to a position for operation,

(ii) it does not require a concrete base to support the crane,

(iii) it has a rated lifting capacity of less than 40 meter tonne (144.3 feet ton),

(iv) it operates by remote control or pendant control;

"supervision" means supervision by an individual who is able to be immediately contacted by the individual requiring supervision;

"telescoping boom" means a boom that meets all of the following criteria:

(i) it is constructed of hollow structural steel sections with each section of a smaller cross-section housed inside the next larger section,

(ii) it is supported and is raised or lowered by a hydraulic cylinders attached to the boom and the lifting device's superstructure,

(iii) its length can be increased or diminished by telescoping each section of boom through hydraulic actuation,

(iv) it can include a winch to lift a load;

"trainee" means an individual, including an apprentice, who is in a training program and actively pursuing a CO certificate of competency or a certificate of competency to perform the regulated work of a crane operator;

"tower crane" means a lifting device that meets all of the following criteria:

(i) it incorporates a power-driven drum with a cable or rope and a vertical mast or tower,

(ii) it has either a stationary boom with a trolley or a luffing boom or jib,

(iii) it is the travelling, fixed, articulating, telescoping or climbing type,

(iv) it is used exclusively for raising, lowering, transporting or moving material,

(v) it is designed so that it can be assembled and disassembled for use at various sites,

(vi) it is not a mobile crane outfitted as a tower crane.

(2) A term defined in Section ~~3~~ [2] of the *Technical Safety General Regulations* made under the Act has the same meaning when used in these regulations.

Regulated products prescribed (regulated cranes and parts of regulated cranes)

3 Except as provided in Section 4, all of the following are prescribed as regulated products under the Act and these regulations:

(a) boom truck;

(b) lattice boom crane;

(c) mobile crane;

(d) overhead travelling crane;

(e) tower crane;

(f) self-erecting tower crane;

(g) any part of the devices or structures listed in clauses (a) to (f).

Products exempted from Act and regulations

4 All of the following products are exempt under subsection 6(2) of the Act from the Act and these regulations:

(a) a lifting device used exclusively for raising, lowering or towing motor vehicles;

(b) a machine that is not considered a lifting device but has been converted or adapted to be used for lifting including all of the following machines:

(i) a power shovel,

(ii) an excavator,

(iii) a dragline,

(iv) a concrete pump,

(v) a conveyor,

(vi) an auger,

(vii) a drill,

(viii) an amusement ride;

(c) a railway operating subject to a federal enactment;

(d) a lifting device on a vessel that is subject to the *Canada Shipping Act* (Canada) and is floating on navigable water and not permanently attached to a land-based structure;

(e) a worker's hoist or material hoist;

(f) an elevating device within the meaning of the *Elevators and Lifts Act* or the *Technical Safety Act*;

(g) powered mobile equipment, which means equipment that is used for primary wood processing and meets all of the following criteria:

(i) it is designed to operate on land, other than a public highway,

(ii) it is self-propelled.

Regulated work prescribed

5 Except as provided in Section 6, the work and duties of a crane operator as covered by the classes of licences in Section 26 are prescribed as regulated work under the Act and these regulations.

Work exempted from Act and regulations

6 (1) All of the following work is exempt under subsection 6(2) of the Act from the Act and these regulations:

(a) work by an individual installing, setting up or testing a regulated crane when under the supervision of the crane operator responsible for the regulated crane;

(b) if approved by the CO chief inspector, the operation of a regulated crane that is an integral component of a continuous manufacturing process.

(2) In clause (1)(b), "continuous manufacturing process" means a production or assembly-line manufacturing process in which items of a consistent weight and configuration are moved repetitively using engineered lifts by an overhead travelling crane.

Recognized certification organizations prescribed

7 A certification organization recognized or accredited by the Standards Council of Canada is prescribed as a recognized certification organization under the Act and these regulations for the purposes that the certification organization is recognized or accredited by the Standards Council of Canada.

Regulated Cranes

Regulated crane classes

8 (1) Subject to subsection (2), the CO chief inspector must classify a regulated crane in accordance with the classes prescribed for regulated cranes as set out in the following table:

Class	Regulated Cranes	Rated Lifting Capacity
class 1	boom truck or mobile crane that: • is a power-operated machine with a boom • includes a hoisting mechanism that is an integral part of the machine Excludes: tower cranes, self-erecting tower cranes, overhead travelling cranes	91 tonnes (100 tons) or more
class 2	boom truck or a mobile crane that: • is a power-operated machine with a boom • includes a hoisting mechanism that is an integral part of the machine Excludes: tower cranes, self-erecting tower cranes, overhead travelling cranes	18 tonnes (20 tons) or more, but less than 91 tonnes (100 tons)
class 3	boom truck or a mobile crane that: • is a power-operated machine with a boom • includes a hoisting mechanism that is an integral part of the machine Excludes: tower cranes, self-erecting tower cranes, overhead travelling cranes	less than 18 tonnes (20 tons)
class 4	boom truck that: • has an articulating boom that does not include a winch for lifting the load • is a power-operated machine with a boom • includes a hoisting mechanism that is an integral part of the machine Excludes: tower cranes, self-erecting tower cranes, overhead travelling cranes	less than 18 tonnes (20 tons)
tower class	tower crane	any
self-erecting tower class	self-erecting tower crane	less than 40 meter tonne (144.3 feet ton)
overhead travelling class	overhead travelling crane	any

(2) The CO chief inspector must place a regulated crane that does not fit the classes prescribed in subsection (1) into the class that most closely corresponds to the crane, considering all of the following:

(a) the class that most closely describes the crane,

(b) the rated lifting capacity of the crane.

Minor variance to rated lifting capacity

9 (1) An owner of an overhead travelling class crane may apply to the CO chief inspector for a minor variance to have the rated lifting capacity of the crane reduced and the crane reclassified.

(2) An owner of an overhead travelling crane that has had its rated lift capacity and classification altered under subsection (1) may apply to the CO chief inspector to change back to the original rated lifting capacity and classification.

Duties and Responsibilities

Ensuring regulated work complies with CO standards and regulations

10 (1) An owner of a regulated crane or any person performing the work or duties of a crane operator must ensure that the regulated work performed is in compliance with the CO standards and these regulations.

(2) An owner of a regulated product or any person working with a regulated product must ensure that it is installed, inspected, maintained, repaired, altered and operated in conformance with the CO standards and these regulations.

(3) An owner of a regulated crane must ensure that the crane operator has convenient access to the Act, these regulations and the CO standards.

Designated rigger

11 (1) If rigging is required to perform a lift with a regulated crane, the owner of the crane must assign a designated rigger for the lift.

(2) An owner must ensure that a designated rigger for a lift has enough of the following training, experience and knowledge for the regulated crane used in the lift, and for the type of load and lift, to reasonably expect the designated rigger to perform the rigging so that the lift can be done safely:

(a) rigging training;

(b) experience in the best practices;

(c) knowledge and information on how to properly rig the load, lift and crane, including the capacity of the rigging hardware and of the regulated crane.

(3) A designated rigger for a lift is responsible for the rigging for the lift and must ensure that the load is secured to the regulated crane safely and use appropriate rigging hardware for the regulated crane used in the lift, and for the type of load and lift.

Responsibility for lift

12 (1) A crane operator is responsible for all of the following:

(a) all aspects of a lift, including, except as provided in subsection (2), the rigging;

(b) all persons working under their supervision.

(2) A crane operator is not responsible for the rigging of a lift if another individual is the designated rigger for the lift and the rigging is performed by the designated rigger, unless the crane operator directs the designated rigger under subsection (3).

(3) A crane operator may inspect the rigging of a lift or direct the designated rigger to install the rigging hardware for a lift to the crane operator's satisfaction.

(4) A crane operator who is the designated rigger for a lift may directly supervise a trainee who performs the rigging, but remains responsible for the rigging of the lift as the designated rigger.

Crane operator may refuse lift

13 A crane operator responsible for a lift may refuse to lift the load if the crane operator believes that the load has not been properly or safely rigged.

Logbook

14 (1) An owner of a regulated crane must provide a logbook for the regulated crane.

(2) An owner of a regulated crane must ensure that a logbook for a regulated crane is kept with the crane or at a place that is easily accessed by the crane operator and a CO inspector.

(3) An owner of a regulated crane must ensure that the crane's logbook is used to record information on the crane or comments by the crane operator on the safe operation, maintenance and servicing of the crane.

Load chart

15 (1) If required by the manufacturer of a regulated crane, an owner of a regulated crane must provide a load chart for the regulated crane that is specific to that type of crane.

(2) An owner of a regulated crane must ensure that the crane's load chart is kept with the crane.

(3) An owner of a regulated crane must immediately replace a load chart if it is damaged or if the information on the chart is not clearly legible.

Crane manual

16 An owner of a regulated crane must ensure that a crane operator has access to the crane manual for any of the owner's regulated cranes that the crane operator operates.

Compliance audit

17 An owner of a regulated crane must make any information requested by a CO inspector available for review for a compliance audit, including all of the following:

(a) information on the operation of the regulated crane;

(b) evidence or records of a current maintenance contract or any other information on the maintenance of the regulated crane;

(c) evidence or records related to CO certificates of competency, CO licences or endorsements.

Notice of incident under Section 13 of Act

18 The notice of an incident required under Section 13 of the Act must be given by telephone, fax or e-mail no later than 24 hours after the incident occurs and must be followed by a written report if required by the Administrator or the Administrator's designate.

CO Licences and Endorsements

CO licence required

19 **(1)** Except as provided in Sections 20 and 27, a person must not perform regulated work under these regulations unless the person holds a class of CO licence and any required endorsement that authorize the person to perform the regulated work.

(2) Except as provided in Sections 20 and 27, a person must not employ or permit a person to perform regulated work under these regulations unless the person performing the work holds a class of CO licence and any required endorsement that authorize the person to perform the regulated work.

Certificates of qualification issued under *Crane Operators and Power Engineers Act*

20 An individual whose certificate of qualification issued under the *Crane Operators and Power Engineers Act* is continued under subsection 52(1) of the Act is not required to hold a CO licence and any require[d] endorsements to perform the same regulated work under these regulations, but must apply for a CO licence and any required endorsements under Section 23 to continue to be authorized to perform regulated work under these regulations after the certificate of qualification expires.

Producing CO licence and endorsements on request

21 **(1)** A person performing regulated work under these regulations must produce their CO licence, any endorsements and any apprenticeship ID card required to perform the work when requested by a CO inspector.

(2) Failing to produce a CO licence or endorsement under subsection (1) is *prima facie* evidence that the person does not hold a CO licence or endorsement.

Classes of CO licences and types and classes of licence endorsements

22 **(1)** The classes of CO licences are as follows:

(a) crane operator 1 licence;

(b) crane operator 2 licence;

(c) crane operator 3 licence;

(d) crane operator 4 licence;

(e) tower crane operator licence;

(f) overhead travelling crane operator licence.

(2) The following types and classes of endorsements are available for the corresponding class of CO licence:

Endorsement Type	Classes
lattice boom crane endorsement	crane operator 1 lattice boom crane endorsement
	crane operator 2 lattice boom crane endorsement
	crane operator 3 lattice boom crane endorsement
overhead travelling crane endorsement	crane operator 1 overhead travelling crane endorsement
	crane operator 2 overhead travelling crane endorsement
	crane operator 3 overhead travelling crane endorsement
self-erecting tower crane endorsement	crane operator 1 self-erecting tower crane endorsement
	crane operator 2 self-erecting tower crane endorsement
	crane operator 3 self-erecting tower crane endorsement

Application for a CO licence and endorsement

23 (1) An individual may apply for a specified class of CO licence, with or without an endorsement, or for renewal of their licence and any endorsements by submitting a completed application form together with all of the following to the CO chief inspector:

(a) payment of the applicable CO fees;

(b) proof of the applicant's identity;

(c) the class of CO licence applied for;

(d) proof satisfactory to the CO chief inspector that the applicant holds the class of CO certificate of competency required for the class of CO licence applied for, or holds 1 of the following:

(i) an equivalent certificate of qualification granted under the *Apprenticeship and Trades Qualification*[*s*] *Act*,

(ii) an equivalent qualification from another jurisdiction as required by Section 47;

(e) information about the person's training, practical experience and other qualifications;

(f) the type and class of any endorsement applied for and proof satisfactory to the CO chief inspector that the applicant either

(i) holds a CO certificate of competency with an endorsement in the type and class of the CO licence endorsement applied for, or

(ii) meets equivalent practical experience and educational requirements for the type and class of endorsement applied for;

(2) An applicant may be required by the CO chief inspector to provide written verification of the practical experience required by clauses (1)(e) or (f) from a crane operator who supervised them during their practical experience.

Adding new type and class of endorsement to existing CO licence

24 An individual may apply to add a new type of endorsement in the applicable class to their CO licence by submitting a completed application form together with the information required by clause 23(1)(f) verified in accordance with [subsection] 23(2).

Expiry and renewal of CO licences and endorsements

25 **(1)** A CO licence is valid until the expiry date provided on the CO licence unless it is suspended or revoked earlier by the CO chief inspector.

(2) An endorsement to a CO licence is valid until the expiry date provided on the endorsement unless it is suspended or revoked earlier by the CO chief inspector.

(3) Subject to subsection (4) for licences and endorsements expired for longer than 4 years, an individual may apply for reinstatement of an expired CO licence and any attached endorsements in the same manner as applying for a licence or endorsement under Section 23.

(4) To apply for reinstatement of a CO licence and any endorsement that has been expired for longer than 4 years, an individual may be required by the CO chief inspector to be evaluated in a manner approved by the CO chief inspector in addition to the requirements of Section 23.

Regulated work authorized by CO licences and endorsements

26 **(1)** Except as provided in subsection (3), an individual who holds a CO licence may perform the regulated work of operating a regulated crane authorized by the class of CO licence as set out in and according to the following table:

Class of CO Licence	Regulated Cranes Authorized by CO Licence
crane operator 1	any class 1, 2 , 3 or 4 crane, other than a lattice boom crane
crane operator 2	any class 2, 3 or 4 crane, other than a lattice boom crane
crane operator 3	any class 3 or 4 crane, other than a lattice boom crane
crane operator 4	any class 4 crane
tower crane operator	any tower class crane or self-erecting tower class crane
overhead travelling crane operator	any overhead travelling class crane

(2) Except as provided in subsection (3), an individual who holds a CO licence and an accompanying endorsement may perform the regulated work of operating a regulated crane as authorized by the class of CO licence and type and class of endorsement as set out in and according to the following table:

Class of CO Licence	Type and Class of Endorsement	Regulated Cranes Authorized by CO Licence and Endorsement
crane operator 1	crane operator 1 lattice boom crane endorsement	• any class 1, 2 or 3 crane, with or without a lattice boom • any class 4 crane
	crane operator 1 overhead travelling crane endorsement	• any class 1, 2, 3 or 4 crane, other than a lattice boom crane • an overhead travelling class crane with any rated lifting capacity
	crane operator 1 self-erecting tower crane endorsement	• any class 1, 2, 3 or 4 crane, other than a lattice boom crane • any self-erecting tower class crane
crane operator 2	crane operator 2 lattice boom crane endorsement	• any class 2, or 3 crane, with or without a lattice boom • any class 4 crane
	crane operator 2 overhead travelling crane endorsement	• any class 2, 3 or 4 crane, other than a lattice boom crane • an overhead travelling class crane with a rated lifting capacity of less than 91 tonnes (100 tons)
	crane operator 2 self-erecting tower crane endorsement	• any class 2, 3 or 4 crane, other than a lattice boom crane • any self-erecting tower class crane
crane operator 3	crane operator 3 lattice boom crane endorsement	• any class 3 crane, with or without a lattice boom • any class 4 crane
	crane operator 3 overhead travelling crane endorsement	• any class 3 or 4 crane, other than a lattice boom crane • an overhead travelling class crane with a rated lifting capacity of less than 18 tonnes (20 tons)
	crane operator 3 self-erecting tower crane endorsement	• any class 3 or 4 crane, other than a lattice boom crane • any self-erecting tower class crane

(3) The CO licence and endorsements that are required to operate a regulated crane classified under subsection 8(2) are the CO licence and endorsements that the CO chief inspector determines are most appropriate to the configuration of the regulated crane.

Trainees

Trainees

27 **(1)** A trainee is not required to hold the class of CO licence and any endorsement required to perform regulated work if all of the following conditions are met:

(a) the trainee is under the direct supervision of a crane operator who has charge of the crane at all times;

(b) any regulated work performed by the trainee is within the scope of the class of CO licence and any attached endorsements held by the supervising crane operator;

(c) the trainee complies with all the other requirements of the Act and these regulations.

(2) An owner of a regulated crane must ensure that a trainee who is not an apprentice registers with the CO chief inspector before beginning training and performing regulated work under these regulations.

(3) An owner of a regulated crane must ensure that all of the following are met for a trainee performing regulated work on the regulated crane:

(a) all of the conditions in subsection (1);

(b) the direct supervision provided to a trainee is appropriate for the risk associated with the regulated work the trainee is performing;

(c) the trainee is not permitted to perform a category of regulated work unless the supervising crane operator has first documented that the trainee is capable of performing the regulated work.

(4) An owner of a regulated crane must submit a plan of the training program to the CO chief inspector for approval for any trainee who is not an apprentice.

(5) The examination and training requirements for a class of CO certificate of competency or CO licence and payment of the applicable CO fees apply to a trainee.

CO Certificates of Competency and Endorsements

Classes for CO certificates of competency and types and classes of endorsements

28 **(1)** The classes of CO certificates of competency are as follows:

(a) crane operator 1 certificate of competency;

(b) crane operator 2 certificate of competency;

(c) crane operator 3 certificate of competency;

(d) crane operator 4 certificate of competency;

(e) tower crane operator certificate of competency;

(f) overhead travelling crane operator certificate of competency.

(2) The following types and classes of endorsements are available for the corresponding class of CO certificate of competency:

Endorsement Type	Classes
lattice boom crane endorsement	crane operator 1 lattice boom crane endorsement
	crane operator 2 lattice boom crane endorsement
	crane operator 3 lattice boom crane endorsement
overhead travelling crane endorsement	crane operator 1 overhead travelling crane endorsement
	crane operator 2 overhead travelling crane endorsement
	crane operator 3 overhead travelling crane endorsement
self-erecting tower crane endorsement	crane operator 1 self-erecting tower crane endorsement
	crane operator 2 self-erecting tower crane endorsement
	crane operator 3 self-erecting tower crane endorsement

Applying for CO certificate of competency and endorsement

29 (1) An individual may apply for a specified class of CO certificate of competency, with or without an endorsement, by submitting a completed application form together with all of the following to the CO chief inspector:

(a) payment of the applicable CO fees;

(b) proof of the applicant's identity;

(c) the class of CO certificate of competency applied for;

(d) proof satisfactory to the CO chief inspector that the applicant meets the practical experience requirements set out in Sections 34 to 39 for the class of CO certificate of competency applied for;

(e) proof satisfactory to the CO chief inspector that the applicant has successfully completed all examinations required for the class of CO certificate of competency applied for;

(f) proof satisfactory to the CO chief inspector that the applicant has successfully passed the practical test in Section 42 for the class of CO certificate of competency applied for;

(g) the type and class of any endorsement applied for and proof satisfactory to the CO chief inspector that the applicant meets the practical experience and educational requirements set out in Sections 33 to 39 for the type and class of endorsement applied for.

(2) An applicant must provide written verification of the practical experience required by [clause] (1)(d) or (g) from a crane operator who supervised them during their practical experience.

Adding new type or class of endorsement to CO certificate of competency

30 An individual may apply to add a new type or class of endorsement to their CO certificate of competency by submitting a completed application together with the information required by clause 29(1)(g) verified in accordance with subsection 29(2).

Expiry of CO certificates of competency and endorsements

31 **(1)** A CO certificate of competency is valid unless it is suspended or revoked by the CO chief inspector.

(2) An endorsement to a CO certificate of competency is valid unless it is suspended or revoked by the CO chief inspector.

CO certificate of competency non-transferable

32 A CO certificate of competency and any endorsements to the CO certificate of competency are not transferable and may be used only by the individual who was granted the certificate of competency and endorsements.

Practical Experience Required for CO Certificate of Competency and Endorsements

Hours of practical experience required for licence not counted towards endorsement

33 Except as otherwise provided in Sections 34 to 39, hours of practical experience required for a class of CO licence cannot be counted towards practical experience required for an endorsement to the licence.

Crane operator 1 certificate of competency and endorsements practical experience

34 **(1)** An applicant for a crane operator 1 certificate of competency must meet 1 of the following practical experience requirements:

(a) 4000 hours of practical experience on a class 1 crane under the direct supervision of a crane operator who holds a crane operator 1 licence;

(b) 1000 hours of practical experience on a class 1 regulated crane under the direct supervision of a crane operator who holds a crane operator 1 licence, and have held a crane operator 2 licence for 6 months or longer.

(2) An applicant for a crane operator 1 lattice boom crane endorsement must meet both of the following practical experience requirements:

(a) at least 300 hours of the practical experience required in subsection (1) for a crane operator 1 licence spent actually operating a class 1 lattice boom crane;

(b) 80 hours of practical experience spent contributing to mobilizing and demobilizing a class 1 lattice boom crane.

(3) An applicant for a crane operator 1 overhead travelling crane endorsement must meet 1 of the following practical experience or education requirements:

(a) at least 50 hours of practical experience acceptable to the CO chief inspector in operating a class 1 overhead travelling crane;

(b) completion of a course in overhead travelling cranes approved by the CO chief inspector.

(4) An applicant for a crane operator 1 self-erecting tower crane endorsement must have at least 50 hours of training and practical experience, acceptable to the CO chief inspector, on a self-erecting tower crane.

Crane operator 2 certificate of competency and endorsements practical experience

35 **(1)** An applicant for a crane operator 2 certificate of competency must meet 1 of the following practical experience requirements:

(a) 3000 hours of practical experience on a class 2 crane under the direct supervision of a crane operator who holds a crane operator 1 licence or a crane operator 2 licence;

(b) 1000 hours of practical experience on a class 2 crane under the direct supervision of a crane operator who holds a crane operator 1 licence or a crane operator 2 licence, and have held a crane operator 3 licence for 6 months or longer.

(2) An applicant for a crane operator 2 lattice boom crane endorsement to a crane operator 2 certificate of competency must meet both of the following practical experience requirements:

(a) at least 100 hours of the practical experience required in subsection (1) spent actually operating a class 2 lattice boom crane;

(b) 80 hours of practical experience spent contributing to mobilizing and demobilizing a class 2 lattice boom crane.

(3) An applicant for a crane operator 2 overhead travelling crane endorsement must meet 1 of the following practical experience or education requirements:

(a) at least 50 hours of practical experience acceptable to the CO chief inspector in operating a class 2 overhead travelling crane;

(b) completion of a course in overhead travelling cranes approved by the CO chief inspector.

(4) An applicant for a crane operator 2 self-erecting tower crane endorsement must have at least 50 hours of training and practical experience, acceptable to the CO chief inspector, on a self-erecting tower crane.

Crane operator 3 certificate of competency and endorsements practical experience

36 **(1)** An applicant for a crane operator 3 certificate of competency must have 2000 hours of practical experience on a class 3 crane under the direct supervision of a crane operator who holds a crane operator 1 licence, a crane operator 2 licence or a crane operator 3 licence.

(2) An applicant for a crane operator 3 lattice boom crane endorsement to a crane operator 3 certificate of competency must meet both of the following practical experience requirements:

(a) at least 100 hours of the practical experience required in subsection (1) spent actually operating a class 3 lattice boom crane;

(b) 40 hours of practical experience spent contributing to mobilizing and demobilizing a class 3 lattice boom crane.

(3) An applicant for a crane operator 3 overhead travelling crane endorsement to a crane operator 3 certificate of competency must meet 1 of the following practical experience requirements:

(a) at least 50 hours of practical experience acceptable to the CO chief inspector in operating a class 3 overhead travelling crane;

(b) completed a course in overhead travelling cranes approved by the CO chief inspector.

(4) An applicant for a crane operator 3 self-erecting tower crane endorsement must have at least 50 hours of training and practical experience, acceptable to the CO chief inspector, on a self-erecting tower crane.

Crane operator 4 certificate of competency practical experience

37 **(1)** An applicant for a crane operator 4 certificate of competency must have 500 hours of practical experience on a class 4 crane under the direct supervision of a crane operator who holds a crane operator 1 licence, a crane operator 2 licence, a crane operator 3 licence or a crane operator 4 licence.

(2) For the purposes of subsection (1), a lift with a class 4 crane equals 4 hours of practical experience, but no more than 8 hours of practical experience can be obtained on 1 calendar day.

Tower crane operator certificate of competency practical experience

38 An applicant for a tower crane operator certificate of competency must have 2000 hours of practical experience on a tower class crane under the direct supervision of a crane operator who holds a tower crane operator licence.

Overhead travelling crane operator certificate of competency practical experience

39 An applicant for a overhead travelling crane operator certificate of competency must have 1000 hours of practical experience on an overhead travelling class crane under the direct supervision of a crane operator who holds an overhead travelling crane operator licence or crane operator 1 licence endorsed with a crane operator 1 overhead travelling crane endorsement.

Components of practical experience requirement

40 **(1)** Except as provided in subsection (2), the practical experience requirement for each class of CO certificate of competency must include the following:

(a) a minimum of 50% of the hours spent operating the regulated crane from the operator's seat; and

(b) practical experience in all of the following:

(i) rigging,

(ii) pre-lift planning,

(iii) assembling and disassembling the regulated crane,

(iv) inspecting and maintaining the regulated crane,

(v) preparing a site for a lift.

(2) The practical experience requirement for a tower crane certificate of competency and an overhead travelling crane certificate of competency operating regulated cranes that do not have an operator's seat includes the following:

(a) the time required to control the lift;

(b) practical experience in all of the following:

(i) rigging,

(ii) pre-lift planning,

(iii) inspection and maintenance of the regulated crane.

Training program equivalency

41 **(1)** The CO chief inspector may approve a crane operator training program that leads to a CO certification of competency or endorsement.

(2) Successfully completing an approved crane operator training program may be considered by the CO chief inspector as equivalent to up to 1500 hours of practical experience.

Practical test for a CO certificate of competency

42 **(1)** Except as provided in subsection (2), an applicant for a CO certificate of competency must successfully pass a practical test to demonstrate they can safely operate the regulated crane that they are required to obtain practical experience with for the class of CO certificate of competency they are applying for.

(2) An applicant who successfully passes a practical test demonstrating that they can safely operate a regulated crane is deemed to have passed the practical test for operating all lower classes of regulated cranes and is not required to pass a practical test for a CO certificate of competency that authorizes them to operate the lower classes of cranes.

Examinations

Education qualifications for examinations

43 An applicant for an examination leading to a CO certificate of competency must meet 1 of the following education qualifications:

(a) successful completion of grade 10 math from a high school in the Province or the equivalent;

(b) successful completion of a prior learning assessment acceptable to the CO chief inspector;

(c) successful completion of a crane operator training program acceptable to the CO chief inspector.

Applying and eligibility for examination

44 An individual may apply to take an examination leading to a class of CO certificate of competency by submitting a completed application form together with all of the following to the CO chief inspector:

(a) payment of applicable CO fees;

(b) proof of the applicant's identity;

(c) the examination requested, including the class of CO certificate of competency the examination is leading toward;

(d) proof satisfactory to the CO chief inspector that the applicant meets the educational qualifications required by Section 43, including written verification of their practical experience from a crane operator who supervised them during their practical experience;

(e) proof satisfactory to the CO chief inspector that the applicant meets the practical experience requirements in Section 34 to 39 for the class of CO certificate of competency the examination is leading toward.

Passing grade for examination

45 The passing grade for an examination leading to a CO certificate of competency is 65%.

Re-examination

46 **(1)** Except as provided in subsection ~~(3)~~ [(2)], no sooner than 60 days after the date of an examination, an individual who failed the examination may apply in writing to the CO chief inspector to retake the examination under Section 44.

(2) An individual who fails an examination 3 or more consecutive times cannot apply to retake the same examination for at least 6 months from the date they last took the examination.

Recognition of Other Jurisdictions and Organizations

Recognition of other jurisdictions and organizations

47 **(1)** The CO chief inspector may grant a CO licence and endorsement to an individual who applies under Section 23 who

(a) holds a qualification from another jurisdiction that is sufficiently equivalent to the requirements of these regulations for the required equivalent class of CO certificate of competency and endorsements; and

(b) has practical experience and educational qualifications that are sufficiently equivalent to the requirements for the CO licence and any required endorsements the individual is applying for.

(2) The CO chief inspector may require an applicant from a jurisdiction where crane operators are not granted certificates of qualification, certificates of competency, licences or endorsements, to undergo a prior learning assessment to establish that the applicant's experience and qualifications are sufficiently equivalent to the requirements for the CO licence and endorsements applied for under these regulations.

(3) For the purposes of clause (1)(a), an interprovincial certificate of qualification is equivalent to a type and class of CO certificate of competency that authorizes the same regulated work as the interprovincial certificate of qualification.

General Offences

Fraudulent use of CO certificate of competency or CO licence

48 A person must not make fraudulent use of a CO certificate of competency or CO licence.

Incompetence or gross negligence

49 A person who holds a CO certificate of competency or CO licence must not act incompetently or with gross negligence when acting under the authority of their certificate or licence.

N.S. Reg. 14/2011
Made: December 15, 2010
Filed: January 21, 2011
Technical Safety Standards Regulations

Order dated December 15, 2010
Regulations made by the Minister of Labour and Workforce Development
pursuant to Section 50 of the *Technical Safety Act*

In the matter of Section 50 of Chapter 10 of the Acts of 2008,
the *Technical Safety Act*

- and -

In the matter of the *Technical Safety Standards Regulations*

I, Marilyn More, Minister of Labour and Workforce Development for the Province of Nova Scotia, pursuant to Section 50 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*, hereby make the *Technical Safety Standards Regulations* in the form set forth in the attached, effective on and after the proclamation of Section 50 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*.

Dated and made at Halifax Regional Municipality, Halifax County, Province of Nova Scotia on Dec. 15, 2010.

Sgd.: *Marilyn More*
Honourable Marilyn More
Minister of Labour and Workforce Development

Schedule "A"

Regulations Respecting Technical Safety Standards
made by the Minister under Section 50 of Chapter 10 of the Acts of 2008,
the *Technical Safety Act*

Citation
1 These regulations may be cited as the *Technical Safety Standards Regulations*.

Edition of standard adopted
2 The edition listed by date in these regulations is the edition of the standard adopted by these regulations.

Definitions
3 In these regulations,

"API" means the American Petroleum Institute;

"ASME" means the American Society of Mechanical Engineers;

"ASHRAE" means the American Society of Heating, Refrigeration and Air-Conditioning Engineers;

"CSA" means the Canadian Standards Association;

"NBBI" means the National Board of Boiler Inspectors of the United States;

"TEMA" means the Tubular Exchanger Manufacturers Association.

Boiler and pressure equipment standards (BPE standards)

4 The following standards for boiler and pressure equipment are adopted as the standards for regulated work and regulated products prescribed under the *Boiler and Pressure Equipment Regulations*:

BPE Standard	Edition issue date (yyyy/mm/dd)
API:	
API 510, *Pressure Vessel Inspection Code In-Service Inspection, Rating, Repair, and Alteration*	2006-06-01
API 570, *Piping Inspection Code Inspection, Repair, Alteration, and Re-Rating of In-Service Piping Systems*	1998-10-01
ASME:	
ASME B31.1, *Power Piping*	2007-12-07
ASME B31.3, *Process Piping*	2008-12-31
ASME B31.5, *Refrigeration Piping and Heat Transfer Components*	2006-01-01
ASME, *Boiler and Pressure Vessel Code*, Section I - *Rules for Construction of Power Boilers*	2008-01-01
ASME, *Boiler and Pressure Vessel Code*, Section II (Part A) -*Ferrous Metals*	2007-01-01
ASME, *Boiler and Pressure Vessel Code*, Section II (Part B) - *Nonferrous Metals*	2007-01-01
ASME, *Boiler and Pressure Vessel Code*, Section II (Part C) -*Specifications for Welding Rods, Electrodes and Filler Metals*	2007-01-01
ASME, *Boiler and Pressure Vessel Code*, Section II (Part D) -*Customary - Materials - Properties*	2007-01-01
ASME, *Boiler and Pressure Vessel Code*, Section IV- *Rules for Construction of Heating Boilers*	2007-01-01
ASME, *Boiler and Pressure Vessel Code*, Section V- *Nondestructive Examinations*	2007-01-01
ASME, *Boiler and Pressure Vessel Code*, Section VI - *Recommended Rules for the Care and Operation of Heating Boilers*	2007-01-01
ASME, *Boiler and Pressure Vessel Code*, Section VII - *Recommended Guidelines for the Care of Power Boilers*	2007-01-01
ASME *Boiler and Pressure Vessel Code*, Section VIII (Division 1) - *Rules for Construction of Pressure Vessels*	2007-01-01
ASME *Boiler and Pressure Vessel Code*, Section VIII (Division 2) - *Alternative Rules-Rules for Construction of Pressure Vessels*	2007-01-01

ASME *Boiler and Pressure Vessel Code*, Section VIII (Division 3) - *Alternative Rules-Rules for Construction of High Pressure Vessels*	2007-01-01
ASME, *Boiler and Pressure Vessel Code*, Section IX - *Welding and Brazing Qualifications*	2007-01-01
ASME, *Boiler and Pressure Vessel Code*, Section X - *Fiber-Reinforced Plastic Pressure Vessels*	2007-01-01
ASME, Controls and Safety Devices (CSD-1) *Controls and Safety Devices for Automatically Fired Boilers*	2006-12-29
ASME PVHO-1, *Safety Standard for Pressure Vessels for Human Occupancy*	2007-11-16
ASME PVHO-2, *Safety Standard for Pressure Vessels for Human Occupancy: In-Service Guidelines for PVHO Acrylic Windows*	2003-01-01
CSA:	
CSA B51-09, *Boiler, Pressure Vessel and Pressure Piping Code*	2009-01-01
CSA B52-05, *Mechanical Refrigeration Code*	2005-02-01
CSA Z180.1-00, *Compressed Breathing Air and Systems*	2000-03-01
CSA Z276 - 07 UPD1, ~~*Liquified*~~ [*Liquefied*] *Natural Gas (LNG) - Production, Storage, and Handling*	2008-07-01
NBBI:	
NBBI - *National Board Inspection Code*	2007-01-01
TEMA:	
TEMA *Book of Standards*	2007-01-01

Crane operator standards (CO standards)

5 The following standards for crane operators are adopted as the standards for regulated work and regulated products prescribed under the *Crane Operators Regulations*:

CO Standard	Edition issue date (yyyy/mm/dd)
American Welding Society:	
American Welding Society (D14.1) *Specification for Welding of Industrial and Mill Cranes and other Material Handling Equipment*	2005-01-01
ASME:	
ASME B30.3, *Construction Tower Cranes*	2004-01-01
ASME B30.4, *Portal, Tower and Pedestal Cranes*	2003-06-16
ASME B30.5, *Mobile* and *Locomotive Cranes*	2007-01-01
ASME B30.9, *Slings*	2006-01-01

ASME B30.11, *Monorails and Underhung Cranes*	2004-01-01
ASME B30.16, *Overhead Hoists (Underhung)*	2007-07-13
ASME B30.17, *Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoists)*	2006-01-01
ASME B30.18, *Stacker Cranes (Top or Under Running Bridge, Multiple Girder with Top or Under Running Trolley Hoist)*	2008-10-01
CSA:	
CSA B167-08, *Overhead Traveling Cranes -Design, Inspection, Testing Maintenance and Safe Operation*	2008-10-01
CSA Z150-98, *Safety Code on Mobile Cranes*	1998-11-01
CSA Z248, *Code For Tower Cranes*	2004-03-01

Fuel safety standards (FS standards)

6 The following standards for fuel safety are adopted for the regulated work and regulated products prescribed under the *Fuel Safety Regulations*:

FS Standard	Edition issue date (yyyy/mm/dd)
CSA - B139, *Installation Code for Oil Burning Equipment*	2004-03-01
CSA - B149.1-05, *Natural Gas and Propane Installation Code*	2005-01-01
CSA - B 149.2-05, *Propane Storage and Handling Code*	2005-01-01
CSA - B 149.3-05, *Code for the Field Approval of Fuel Related Components on Appliances and Equipment*	2005-01-01
CSA - B105-M93, *Code for Digester Gas and Landfill Gas Installation*	1993-01-01
CSA - B108- 99, *Natural Gas Fueling Stations Installation Code*	1999-01-01

Power engineers standards (PE standards)

7 The following standards for power engineers are adopted for the regulated work and regulated products prescribed under the *Power Engineers Regulations*:

PE Standard	Edition issue date (yyyy/mm/dd)
ASHRAE:	
ASHRAE-15, *Safety Standard for Refrigerants*	2007-01-01
ASHRAE-34, *Designation and Safety Classification of Refrigerants*	2007-01-01
ASME:	
ASME B31.1, *Power Piping*	2007-12-07
ASME B31.3, *Process Piping*	2008-12-31

ASME B31.5, *Refrigeration Piping and Heat Transfer Components*	2006-01-01
ASME, *Boiler and Pressure Vessel Code*, Section VI - *Recommended Rules for the Care and Operation of Heating Boilers*	2008-07-01
ASME, *Boiler and Pressure Vessel Code*, Section VII - *Recommended Guidelines for the Care of Power Boilers*	2008-07-01
ASME, *Controls and Safety Devices* (CSD-1) -*Controls and Safety Devices for Automatically Fired Boilers*	2006-12-29
CSA:	
CSA B51-09, *Boiler, Pressure Vessel and Pressure Piping Code*	2009-01-01
CSA B52, *Mechanical Refrigeration Code*	2005-02-01

N.S. Reg. 15/2011
Made: January 20, 2011
Filed: January 21, 2011
Technical Safety Fees Regulations

Order dated January 20, 2011
Regulations made by the Minister of Labour and Advanced Education
pursuant to Section 50 of the *Technical Safety Act*

Prescription

In the matter of Section 50 of Chapter 10 of the Acts of 2008,
the *Technical Safety Act*

- and -

In the matter of the *Technical Safety Fees Regulations*

I, Marilyn More, Minister of Labour and Advanced Education for the Province of Nova Scotia, upon notice of a fee increase having been presented to the Clerk of the Assembly in accordance with Section 4 of ~~the~~ Chapter 8 of the Acts of 2007, the *Fees Act*, and pursuant to Section 50 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*, hereby make the *Technical Safety Fees Regulations* in the form set forth in the attached, effective on and after the proclamation of Section 50 of Chapter 10 of the Acts of 2008, the *Technical Safety Act*.

Dated and made at Halifax Regional Municipality, Halifax County, Province of Nova Scotia on Jan. 20, 2011.

Sgd.: *Marilyn More*
Honourable Marilyn More
Minister of Labour and Advanced Education

Schedule "A"
Regulations Respecting Technical Safety Fees
made by the Minister [of Labour and Advanced Education]
under Section 50 of Chapter 10 of the Acts of 2008,
the *Technical Safety Act*

Interpretation

Citation

1 These regulations may be cited as the *Technical Safety Fees Regulations*.

2 The fees for services provided pursuant to the *Technical Safety Act* or regulations are as set by this regulation.

Definitions

3 A term used in these regulations has the same meaning as the definition for the term provided in the regulation made under the *Technical Safety Act* that the fees are set for.

Fees

Technical Safety General fees

4 (1) The fees for general services provided pursuant to the *Technical Safety General Regulations* are as set out in this Section.

Reinstatement fees

(2) The fee for an application for a reinstatement of an authorization, registration, licence or permit that is suspended or revoked under the Act is one and a half times the initial application fee for that authorization, registration, licence or permit.

Alternative compliance method fees

(3) The fee for an application for an approval of an alternative compliance method is $50.00 plus the cost for a review of the alternative compliance method, calculated at a rate of $86.93 for each hour or part hour required for the review of the application.

Minor variance fees

(4) The fee for an application for a minor variance is $20.00.

Boilers and Pressure Equipment Fees

5 (1) The BPE fees for boiler and pressure equipment services provided pursuant to the *Boiler and Pressure Equipment Regulations* are as set out in this Section.

Design registration fees

(2) Except as set out in subsections (6) and (7), the fees for the registration of a design are as follows:

(a) for a boiler

(i) up to and including 232.5 m^2. . . . . $104.32

(ii) over 232.5 m^2 to 464.5 m^2. . . . . $231.80

(iii) over 464.5 m^2 to 929.5 m^2 . . . . . $347.71

(iv) over 929.5 m^2 to 2323.5 m^2 . . . . . $579.52

(v) over 2323.5 m^2. . . . . $579.52
plus an additional $3.48 per 5 m^2 or any part of 5 m^2
in excess of 2323.5 m^2;

(b) for pressure equipment, other than a heat exchanger, if the product of the diameter or the width of the pressure equipment multiplied by its length over the heads is

(i) not greater than 1.0 m^2. . . . . $57.95

(ii) greater than 1.0 m^2 but not greater than 3.0 m^2. . . . . $82.50

(iii) greater than 3.0 m^2 but not greater than 5.5 m^2. . . . . $123.75

(iv) greater than 5.5 m^2 but not greater than 11.5 m^2.. . . . . $176.79

(v) greater than 11.5 m^2 but not greater than 23.5 m^2. . . . . $231.80

(vi) greater than 23.5 m^2 but not greater than 46.5 m^2. . . . . $347.71

(vii) greater than 46.5 m^2. . . . . $579.52

(c) for a heat exchanger

(i) up to and including 5.0 m^2 heating surface $94.29

(ii) over 5.0 m^2 to 18.5 m^2. . . . . $115.90

(iii) over 18.5 m^2 to 28.0 m^2. . . . . $176.79

(iv) over 28.0 m^2 to 46.5 m^2. . . . . $231.80

(v) over 46.5 m^2 of heating surface $294.64

(d) for a pressure piping system in a power plant

(i) up to and including 500 HP $115.90

(ii) over 500 HP to 1000 HP $231.80

(iii) over 1000 HP $347.71

Design survey fees

(3) In addition to the design registration fee in subsection (2), the fees for surveying the design for a boiler, heat-exchanger or pressure equipment are as follows:

(a) for a heat-exchanger or pressure equipment, that has a flange requiring calculations in accordance with the BPE standards, the fee is $69.55 for each flange that requires separate calculations;

(b) for a heat-exchanger or pressure equipment, that has more than 5 openings that require calculation, the fee is $34.77 for each opening that requires separate calculation;

(c) for a request that a survey be expedited, the fee is the costs and expenses of the expedition.

Amendment fees for registered designs

(4) Except as set out in subsection (5), the fees for the registration of an amendment to any registered design in subsection (2) are as follows:

(a) for an amendment to any registered design, with no calculations required, the fee is $34.77;

(b) for an amendment to any registered design, with calculations required, the fee is $69.55.

(5) Design changes involving shell thickness, diameter, working pressure or tensile strength of material for a registered design constitute a new design, and a new registration must be made and the fees for the registration of a new design in subsection (2) must be paid.

Design registration fees for pressure piping systems

(6) The fees for the registration of a design for the layout of a pressure pipping system are as follows:

(a) for a pressure piping system used in an oil refinery, petrochemical plant or other similar installation, the fee is $57.95 for each 152.5 m of piping or any part of 152.5 m;

(b) for the registration of design drawings and specifications for an addition to or alteration of a pressure piping system in clause (a), the fee is the same as for the initial design registration;

(c) for pressure piping systems not listed in ~~subsection~~ [clause] (a), the fee is as in clause 5(2)(d).

Design survey and registration fees for fittings

(7) The fees for the survey and registration of a design for a fitting are as follows:

(a) for a single fitting $34.77

(b) for a range of fittings in a single category $127.50

Welding procedure registration fees

(8) The fee for the registration of a procedure, in one thickness material and quality of plate, for one process, and surveyed separately is $46.36 for each procedure.

Pressure welder licence and proficiency test fees

(9) The fees for a pressure welder licence or proficiency test are as follows:

(a) for an all position pressure welder licence proficiency test in one procedure (for 2-year term) $57.95

(b) for the pressure welder licence proficiency re-test of a pressure welder for one position $34.77

(c) to transfer and change the named pressure welding employer on a pressure welder licence $46.36

(d) for the renewal of a pressure welder licence without proficiency re-test (for 2-year term) $57.95

BPE contractor licence fees

(10) The fees for a BPE contractor licence are as follows:

(a) for an initial BPE contractor licence (for one year), the fee is $238.75 plus the cost for the time required for a review and [to] approve the quality program calculated at a rate of $86.93 per hour or part hour;

(b) for a review of an amendment to an approved quality program, the fee is the cost for the time required for the review calculated at the rate of $86.93 per hour or part hour;

(c) for the renewal of a BPE contractor licence (per year). $119.38

Installation and periodic inspection fees

(11) The fees for an installation or periodic inspection are as follows:

(a) for a power boiler

(i) up to and including 23.5 m^2. . . . . $46.36

(ii) over 23.5 m^2 to 70.0 m^2. . . . . $94.29

(iii) over 70.0 m^2 to 186.0 m^2. . . . . $139.08

(iv) over 186.0 m^2 to 464.5 m^2. . . . . $202.83

(v) over 464.5 m^2 to 1394.0 m^2. . . . . $249.20

(vi) over 1394.0 m^2 to 2788.0 m^2. . . . . $312.93

(vii) over 2788.0 m^2. . . . . $312.93
plus an additional $3.48 per 46.5 m^2 or part thereof
in excess of 2788 m^2 to a maximum fee of $869.28

(b) for the first 3 m of the length of a pressure vessel, heat-exchanger or pressure equipment

(i) up to 610 mm diameter $34.77

(ii) over 610 mm diameter to 762 mm $69.55

(iii) over 762 mm diameter to 1270 mm $82.50

(iv) over 1270 mm diameter to 1778 mm $104.32

(v) over 1778 mm diameter to 2540 mm $139.08

(vi) over 2540 mm diameter to 3048 mm $162.27

(vii) over 3048 mm diameter $185.45

(c) for a regulated product in clause (b) that is over 3 m in length, in addition to the fee in clause (b), an additional $23.18 for each 3 m or any part of 3 m in overall length beyond the first 3 m in length;

(d) for a digester

(i) up to and including 100 m^3 . . . . . $162.27

(ii) over 100 m^3 capacity $312.93

(e) for dryer rolls

(i) a set of 20 or more contained in 1 machine $625.88

(f) for the inspection of a pressure plant, pressure piping, fitting or valving for a new installation under construction or for an alteration made to an existing installation, the fee is the special inspection and service fee in subsection (13).

Inspection fees outside of regular work hours

(12) The fees for conducting an inspection outside of regular work hours and on the written request of the owner are as follows:

(a) for after-hours on a weekday or on a weekend, the fee is calculated at a rate of $130.39 per hour for each hour or part hour required for the inspection and for a minimum of 3 hours;

(b) for hours on a statutory holiday, the fee is calculated at a rate of $173.85 per hour for each hour or part hour required for the inspection and for a minimum of 3 hours.

Special inspection and special service fees

(13) The fees for conducting a special inspection or special service are as follows:

(a) if the pressure system or the testing of a pressure welder is subject to the provisions of the Act, and

(i) for hours within regularly scheduled work hours, the fee is calculated at a rate of $86.93 per hour for each hour or part hour required,

(ii) for after-hours on a weekday or on a weekend, the fee is calculated at a rate of $130.39 per hour for each hour or part hour required and for a minimum of 3 hours,

(iii) for hours on a statutory holiday, the fee is calculated at a rate of $173.85 per hour for each hour or part hour required and for a minimum of 3 hours;

(b) if the pressure system or the testing of a pressure welder is not subject to the provisions of the Act, and

(i) for hours within ~~the~~ regularly scheduled work hours, the fee is calculated at a rate of $133.30 per hour for each hour or part hour required,

(ii) for after-hours on a weekday or on a weekend, the fee is calculated at a rate of $197.03 per hour for each hour or part hour required and for a minimum of 3 hours,

(iii) for hours on a statutory holiday, the fee is calculated at a rate of $266.58 per hour for each hour or part hour required and for a minimum of 3 hours;

(c) the special inspection or service fees in clauses (a) or (b) also apply to the following services:

(i) for witnessing the setting and sealing of safety valve,

(ii) for viewing radiographs,

(iii) for shop inspections of a boiler, pressure vessel, heat-exchanger or digester during their fabrication, alteration, repair or field assembly, or

(iv) for returning for or continuing an inspection or test, if a BPE inspector is unable in one visit to commence or complete an inspection or testing because of failure of the owner, contractor or the employer to comply with the BPE inspector's requirements.

Transportation and other reasonable expenses

(14) In addition to the applicable fees for the service, if an owner or contractor requests any of the following services;

(i) conducting of a special inspection or special service in subsection (13),

(ii) conducting of an installation inspection,

(iii) conducting of a shop inspection,

(iv) rendering of a special service for a pressure system, or

(v) conducting of a pressure welder licence proficiency test,

the owner or contractor must also pay the cost of transportation for the BPE inspector, calculated at the mileage rate allowed for a BPE inspector using their own vehicle, and also for the reasonable expenses of the BPE inspector while conducting the inspection or service.

Miscellaneous fees

(15) The fees for the following miscellaneous services are:

(a) for adjusting a pressure gauge $34.77

(b) for the copying of an inspection report $46.36

(c) for the filing of an affidavit or data report $5.80

(d) for stamping an extra copy of a design drawing $17.39

BPE permit fee

(16) The fee for a BPE permit is $56.19.

Equipment licence fee

(17) The fee for an equipment licence is $56.19 per year.

BPE certificate of competency (inspections)

(18) The fees for a BPE certificate of competency (inspections) are as follows:

(a) for an initial BPE certificate of competency (inspections) (for one year), the fee is $238.75 plus the cost for the time required for a review of the applicant's qualifications at a rate of $86.93 per hour or part hour,

(b) for the renewal of a BPE certificate of competency (inspections) (per year). $119.38

General fees

(19) The general fees listed in Section 4.

Crane Operators Regulations fees

6 **(1)** The CO fees for crane operator services provided pursuant to the *Crane Operators Regulations* are as set out in this Section.

CO certificate of competency fees

(2) (a) The fee for an examination for a CO certificate of competency (per paper) $35.81

(b) The fee to rewrite an examination (per paper) $35.81

(c) The fee to re-marking an examination (per paper) $35.81

(d) The fee for an oral examination (per paper) $71.64

(e) The fee for a requested special examination is calculated at the rate of $86.93 for each hour or any part of an hour required for the examination,

(f) The fee for an application for a CO certificate of competency or for an endorsement on a CO certificate of competency $59.69

CO licence fees

(3) (a) The fee for an application for an initial CO licence or for an initial endorsement on a CO licence $59.69

(b) The fee for the renewal of a CO licence and any endorsements (per year) $59.69

General fees

(4) The general fees listed in Section 4.

Fuel Safety Regulations fees

7 **(1)** The FS fees for fuel safety services provided pursuant to the *Fuel Safety Regulations* are as set out in this Section.

Gas business licence fees

(2) The fees for an initial application for a gas business licence (for one year) are as follows:

(a) for a Class 1 (gas storage/distribution) (for one location)

(i) to operate a propane plant (aggregate storage capacity) . . . . . $0.0478/USWG (minimum $119.38)

(ii) to operate a propane dispensing unit . . . . . $0.0478/USWG (minimum $119.38)

(iii) to operate a business transporting propane in bulk or propane cylinders $119.38

(iv) to operate a gas storage facility $119.38

(b) for a Class 2 (contractor) $119.38

(c) for a Class 2A (contractor) $238.76

(d) a Class 3 (industrial) $119.38

(e) a Class 4 (natural gas dispensing station) $119.38

(3) The fee for the renewal of a gas business licence (per year) is the same as the initial application fee for the class and type in subsection (2), except for the renewal of a Class 2A (contractor) gas business licence for which the renewal fee is $179.07 per year.

(4) The fees set out in subsections (2) and (3) include the cost of any inspections carried out under the *Fuel Safety Regulations*.

Gas technician licence fees

(5) (a) The fee for an application for an initial gas technician licence or for a liquid propane endorsement (for one year) $29.85

(b) The fee for a renewal of a gas technician licence and any endorsements (per year) $29.85

FS certificate of competency fees

(6) (a) The fees for ~~a~~ [an] FS certificate of competency are as follows:

(i) for an application for ~~a~~ [an] FS certificate of competency, in a class other than class F $59.69

(ii) for an application for ~~a~~ [an] FS certificate of competency, in class F $29.85

(b) The fee for a duplicate FS certificate of competency in any class in clause (a) is $17.91.

(c) The fees set out in clause (a) do not include applicable training fees.

Gas operator licence

(7) (a) The fees for a gas operator licence are as follows:

(i) for an initial application for a gas operator licence (for one year), in a class other than class F $47.75

(ii) for an initial application for a gas operator licence (for one year), in class F $29.85

(b) The fee for a renewal of ~~a~~ [an] FS gas operator licence in any class is the same as the fee for the initial application for that class in clause (a).

Gas permit fees

(8) (a) The fees for a gas permit are as follows:

(i) for an installation with total load of 3 000 000 BTU/h or less $28.09

(ii) for an installation with total load of more than 3 000 000 BTU/h and

(A) for a new installation . . . . . $0.067/1000 BTU/h of total load (max. $11 590.31)

(B) addition or alteration to existing installation . . . $0.067/1000 BTU/h of total load (min. $115.90 to max. $11 590.31)

(iii) for installing or altering a digester gas or landfill gas installation, the fee is as determined and charged by the certification agency

(iv) for installing or altering a propane dispenser with less than 5000 USWG aggregate capacity $57.95

(v) for building new propane bulk plant . . . . . $0.0056/USWG of total storage

(vi) for altering a bulk plant $56.19

(vii) for installing or altering a natural gas vehicle refuelling station $56.19

Gas registration fees

(9) The fee for a gas registration for the installation or alteration of a regulated product, authorized to be registered by the *Fuel Safety Regulations*, is $28.09.

Special inspection fees

(10) The fee for a requested special inspection is calculated at the rate of $115.90 per hour or any part of an hour of time required.

Oil burner technician licence fee

(11) The fee for an oil burner technician licence is $66.70 per 5-year licence.

General fees

(12) The general fees listed in Section 4.

Power Engineers fees

8 (1) The PE fees for power engineer services provided pursuant to the *Power Engineers Regulations* are as set out in this Section.

PE certificate of qualification fees

(2) (a) The fee for examination, re-examination or re-marking of examination (per paper) $35.81

(b) The fee for application for a PE certificate of qualification $59.69

(c) The fee for replacement [of] a PE certificate of qualification $29.85

PE licence fees

(3) (a) The fee for initial PE licence (for one year) $59.69

(b) The fee for replacement pocket PE licence $29.85

(c) The fee for renewal of PE licence (per year) $59.69

Plant registration certificate fees

(4) The fee for registration, re-registration, re-classification or replacement of a plant registration certificate (per year) $173.85

Special inspection or services fees

(5) The fee for a requested special inspection or special service for

(i) a plant registration, or

(ii) an examination for PE certification of qualification

is calculated at the rate of $86.93, for each hour or any part of an hour of time required.

General fees

(6) The general fees listed in Section 4.

N.S. Reg. 16/2011

Made: January 20, 2011
Filed: January 21, 2011

Prescribed Petroleum Products Prices

Order dated January 20, 2011
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order **NSUARB-GAS-W-11-03**

In the Matter of the *Petroleum Products Pricing Act*

- and -

In the Matter of Prescribing Prices for Petroleum Products pursuant to Section 14 of the *Petroleum Products Pricing Act* and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Before: Peter W. Gurnham, Q.C., Chair

Order

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board ("Board") considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended January 19, 2011, are:

Grade 1 Regular gasoline	65.2¢ per litre
Ultra-low-sulfur diesel oil	69.7¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	65.2¢ per litre
Grade 2	68.2¢ per litre
Grade 3	71.2¢ per litre
Ultra-low-sulfur diesel oil	69.7¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 0.1¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.6¢ per litre

And whereas a winter blending adjustment of plus 4.6¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule "A" effective on and after 12:01 a.m., January 21, 2011.

Dated at Halifax, Nova Scotia, this 20th day of January, 2011.

Sgd: *Elaine Wagner*
Clerk of the Board

Schedule "A"

Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on January 21, 2011

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices (Pump Prices includes 15% HST)	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	71.6	10.0	15.5	97.1	116.3	118.0	116.3	999.9
Mid-Grade Unleaded	74.6	10.0	15.5	100.1	119.7	121.4	119.7	999.9
Premium Unleaded	77.6	10.0	15.5	103.1	123.2	124.9	123.2	999.9
Ultra-Low-Sulfur Diesel	81.2	4.0	15.4	100.6	120.3	122.0	120.3	999.9
Zone 2								
Regular Unleaded	72.0	10.0	15.5	97.5	116.7	118.5	116.7	999.9
Mid-Grade Unleaded	75.0	10.0	15.5	100.5	120.2	121.9	120.2	999.9
Premium Unleaded	78.0	10.0	15.5	103.5	123.6	125.4	123.6	999.9
Ultra-Low-Sulfur Diesel	81.6	4.0	15.4	101.0	120.8	122.5	120.8	999.9

Zone 3								
Regular Unleaded	72.5	10.0	15.5	98.0	117.3	119.0	117.3	999.9
Mid-Grade Unleaded	75.5	10.0	15.5	101.0	120.8	122.5	120.8	999.9
Premium Unleaded	78.5	10.0	15.5	104.0	124.2	125.9	124.2	999.9
Ultra-Low-Sulfur Diesel	82.1	4.0	15.4	101.5	121.3	123.1	121.3	999.9
Zone 4								
Regular Unleaded	72.5	10.0	15.5	98.0	117.3	119.0	117.3	999.9
Mid-Grade Unleaded	75.5	10.0	15.5	101.0	120.8	122.5	120.8	999.9
Premium Unleaded	78.5	10.0	15.5	104.0	124.2	125.9	124.2	999.9
Ultra-Low-Sulfur Diesel	82.1	4.0	15.4	101.5	121.3	123.1	121.3	999.9
Zone 5								
Regular Unleaded	72.5	10.0	15.5	98.0	117.3	119.0	117.3	999.9
Mid-Grade Unleaded	75.5	10.0	15.5	101.0	120.8	122.5	120.8	999.9
Premium Unleaded	78.5	10.0	15.5	104.0	124.2	125.9	124.2	999.9
Ultra-Low-Sulfur Diesel	82.1	4.0	15.4	101.5	121.3	123.1	121.3	999.9
Zone 6								
Regular Unleaded	73.3	10.0	15.5	98.8	118.2	119.9	118.2	999.9
Mid-Grade Unleaded	76.3	10.0	15.5	101.8	121.7	123.4	121.7	999.9
Premium Unleaded	79.3	10.0	15.5	104.8	125.1	126.8	125.1	999.9
Ultra-Low-Sulfur Diesel	82.9	4.0	15.4	102.3	122.2	124.0	122.2	999.9

N.S. Reg. 17/2011

Made: January 25, 2011
Filed: January 26, 2011

Summary Offence Tickets Regulations

Order in Council 2011-34 dated January 25, 2011
Amendment to regulations made by the Governor in Council
pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated December 15, 2010, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Ticket Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to remove certain offences under the *Crane Operators and Power Engineers Act* and its regulations and under the *Fuel Safety Regulations*, and to designate certain offences under the *Technical Safety Act* and its regulations as summary offence ticket offences and to set the out-of-court settlement amounts for the offences, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 1, 2011.

Order

I, Ross Landry, Minister of Justice and Attorney General of Nova Scotia, hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in Schedule "A", is the amount of the out-of-court settlement set out opposite the description of that offence, and the out-of-court settlement amount includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule "A".

Dated and made December 15, 2010, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Ross Landry*
Honourable Ross Landry
Minister of Justice and Attorney General of Nova Scotia

Schedule "A"

Amendment to the *Summary Offence Tickets Regulations*
made by the Governor in Council pursuant to Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*

The *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, are amended by:

(a) repealing the following schedules:

(i) Schedule 27: *Crane Operators and Power Engineers Act*,

(ii) Schedule 27A: Regulations under the *Crane Operators and Power Engineers Act*,

(iii) Schedule 32A: Regulations under the *Fire Safety Act*; and

(b) adding Schedules 27 and 27A in the form attached.

Schedule 27
Technical Safety Act

	Offence	Section	Out of Court Settlement
1.	Failing to notify Administrator or designate of incident as prescribed by regulations (specify)	13	$397.71
2.	Removing or interfering with seal	17(3)	$397.71
3.	Using, entering on or occupying property under seal	17(3)	$962.71
4.	Hindering, obstructing or interfering with inspector	21(1)	$397.71
5.	Refusing to furnish information to an inspector	21(2)	$397.71
6.	Failing to facilitate entry, inspection, or examination by an inspector	21(4)	$397.71
7.	Failing to comply with direction of inspector (specify)	21(3)	$397.71
8.	Selling, servicing or operating regulated product without authorization or registration (specify)	22(1)	$685.21
9.	Directing or permitting regulated work without required licence	23(2)	$685.21
10.	Failing to comply with terms and conditions of licence (specify)	23(5)	$685.21
11.	Undertaking regulated work or using regulated product without required permit	24(2)	$685.21
12.	Using regulated product without required certification	25(2)	$397.71

13.	Undertaking regulated work without required certificate of competency	26(1)	$685.21
14.	Tampering with safety device	37(1)(a)	$397.71
15.	Entering closed property without approval	37(1)(b)	$685.21
16.	Removing copy of posted order or notice without approval of required inspector	37(1)(c)	$685.21
17.	Knowingly providing false or misleading information to inspector (specify)	37(1)(d)	$397.71
18.	Refusing or neglecting to give evidence before inspector or inquiry when summoned (specify)	37(1)(f)	$397.71
19.	Failing to comply with order (specify)	37(1)(g)	$685.21
20.	Contravening Act, regulations or standard (specify)	37(1)(h)	$397.71

Schedule 27A
Regulations under the Technical Safety Act

	Offence	Section	Out of Court Settlement
	Boiler and Pressure Equipment Regulations		
1.	Failing to register design of regulated product intended for use in Province	9(1)	$397.71
2.	Failing to ensure regulated work conforms with BPE standards and regulations (specify)	26(1)	$685.21
3.	Failing to ensure regulated work conforms with industry standard for pressure piping system (specify)	26(2)	$685.21
4.	Failing to report incident no later than 24 hours after incident (specify)	32	$397.71
5.	Constructing, installing, altering or relocating regulated product without BPE permit	33(1)	$685.71
6.	Failing to display BPE permit as required	35	$397.71
7.	Failing to notify BPE chief inspector of relocation of boiler, boiler system or non-portable pressure vessel no later than 30 days after relocation	39(1)	$397.71
8.	Operating or permitting operation of boiler, pressure vessel or refrigeration plant without equipment licence	40	$685.21
9.	Failing to display equipment licence as required	42	$397.71
10.	Performing regulated work without BPE contractor licence	45	$685.21
11.	Employing person to perform regulated work without BPE contractor licence	45	$685.21
12.	Failing to produce BPE contractor licence when requested by BPE inspector	46(1)	$397.71
13.	Permitting person to perform pressure welding contrary to regulations	51(3)	$685.21
14.	Welding on regulated product without pressure welder licence in appropriate class	56(1)	$685.21
15.	Failing to produce pressure welder licence when requested by BPE inspector	59(1)	$397.12
16.	Performing pressure welding for employer other than employer named on pressure welder licence	67(1)	$685.21

	Crane Operator Regulations		
1.	Failing to ensure regulated work complies with CO standards and regulations (specify)	10(1)	$397.71
2.	Failing to ensure regulated product is installed, inspected, maintained, altered and operated in compliance with CO standards and regulations (specify)	10(2)	$397.71
3.	Failing to assign designated rigger for lift	11(1)	$397.71
4.	Failing to ensure designated rigger has enough training	11(2)(a)	$397.71
5.	Failing to ensure designated rigger has enough knowledge and information	11(2)(c)	$397.71
6.	Failing to ensure load is secured and uses appropriate rigging hardware	11(3)	$964.80
7.	Failing to provide logbook for regulated crane	14(1)	$397.71
8.	Failing to ensure logbook is used to record required information	14(3)	$397.71
9.	Failing to provide load chart for regulated crane	15(1)	$397.71
10.	Failing to provide notice of incident no later than 24 hours after incident (specify)	18	$397.71
11.	Performing regulated work without CO licence that authorizes work	19(1)	$685.21
12.	Employing or permitting person to perform regulated work without CO licence that authorizes work	19(2)	$685.21
13.	Failing to provide CO licence when requested by CO inspector	21(1)	$397.71
	Fuel Safety Regulations		
1.	Converting new appliance without certified conversion kit	10(1)	$962.71
2.	Installing, selling or using existing appliance converted contrary to Section	10(2)	$962.71
3.	Failing to provide notice of an incident no later than 24 hours after incident (specify)	11	$397.71
4.	Selling, installing, using, repairing, servicing or maintaining uncertified gas appliance, container or equipment (specify)	12(1)	$962.71
5.	Failing to ensure regulated gas product conforms with the FS standards and regulations (specify)	13(1)	$962.71
6.	Performing regulated work for regulated gas product contrary to FS standards and regulations (specify)	13(2)	$962.71
7.	Permitting person to perform regulated gas work contrary to FS standards and regulations (specify)	13(3)	$962.71
8.	Using, installing or delivering gas to propane cylinder or pressure vessel due for re-qualification	14(1)	$397.71
9.	Using, installing or delivering gas to damaged propane container	15(1)	$397.71
10.	Installing or allowing to remain installed propane container on roof	16	$397.71
11.	Ordering or permitting gas installation or alteration without required gas permit or registration (specify)	17	$962.71
12.	Installing or altering regulated gas product without gas permit	18	$962.71
13.	Failing to display gas permit as required	22	$397.71
14.	Installing or altering regulated gas product without gas registration	24	$962.71
15.	Filing to register gas installation or alteration that requires gas permit	25(3)	$962.71
16.	Failing to display a gas registration as required	29	$397.71

17.	Failing to complete green tag requirements (specify)	31(1)	$962.71
18.	Failing to fill in, sign or post green tag before charging installation with gas	31(1)(a)	$397.71
19.	Failing to send copy of green tag to gas supplier no later than 7 days after work completed	31(1)(b)	$397.71
20.	Supplying or connecting gas to installation without verifying green tag is completed and posted	32(1)(a)	$397.71
21.	Supplying or connecting gas to installation without verifying installation complies with FS standards and regulations (specify)	32(1)(b)	$397.71
22.	Failing to notify FS inspector of yellow tag no later than 24 hours after tag attached	33(1)(b)	$397.71
23.	Failing to send copy of yellow tag to gas supplier	33(1)(c)(ii)	$397.71
24.	Failing to attach red tag on expiry of yellow tag	34(2)	$397.71
25.	Failing to notify FS chief inspector of red tag no later than 24 hours after tag attached	35(2)(a)	$397.71
26.	Failing to send copy of red tag to gas supplier	35(2)(b)(ii)	$397.71
27.	Failing to shut off gas fuel source after attaching red tag	35(4)	$397.71
28.	Knowingly supplying gas to gas appliance, container or piping system with red tag attached	36	$685.21
29.	Using gas appliance, container or piping system with red tag attached	37	$685.21
30.	Removing red or yellow tag without authority (specify)	38(1)	$397.71
31.	Failing to send copy of tag with required information written on it to FS chief inspector after work completed	38(2)(b)	$397.71
32.	Performing regulated work without gas business licence	39(1)	$685.21
33.	Employing person to perform regulated work without gas business licence	39(1)	$685.21
34.	Failing to produce gas business licence when requested by FS inspector	40(1)	$397.71
35.	Performing regulated work without gas technician licence that authorizes work	53(1)	$685.21
36.	Failing to produce gas technician licence when requested by FS inspector	54(1)(a)	$397.71
37.	Performing regulated work without gas operator licence that authorizes work	66	$685.21
38.	Failing to produce gas operator licence when requested by FS inspector	72(1)	$397.71
39.	Selling, installing, using, repairing, servicing or maintaining uncertified oil appliance, supply tank or equipment (specify)	85(1)	$962.71
40.	Installing or altering regulated oil product contrary to FS standards and regulations (specify)	86(1)	$962.71
41.	Permitting person to perform regulated work for oil contrary to FS standards and regulations (specify)	86(2)	$962.71
42.	Performing regulated work without oil burner technician licence	88(1)	$685.21
43.	Failing to produce oil burner technician licence when requested by FS inspector	92(1)	$397.71
	Power Engineers Regulations		
1.	Operating regulated plant that is not registered	12(1)(a)	$685.21
2.	Failing to display plant registration certificate as required	12(1)(b)	$397.71

3.	Failing to provide continuous supervision of regulated plant	15(1)	$685.21
4.	Failing to comply with a direction from PE chief inspector to employ power engineer or plant operator (specify)	15(3)	$685.21
5.	Permitting regulated plant to operate at reduced level of supervision without authorization	16(4)	$685.21
6.	Failing to change level of supervision to continuous supervision when required at regulated plant (specify)	17(1)	$685.21
7.	Failing to maintain guarded plant equipment as required	21(1)	$397.71
8.	Failing to test and calibrate guarded plant equipment as required	21(2)	$397.71
9.	Failing to ensure regulated work is performed in compliance with PE standards and regulations (specify)	27	$685.21
10.	Failing to establish safety procedures for installing, inspecting, operating and maintaining plant and plant equipment in accordance with PE standards (specify)	30(1)	$685.21
11.	Failing to supervise the work of person at regulated plant	30(2)	$685.21
12.	Failing to ensure copy of Act and regulations available on regulated plant site	30(3)(c)	$397.71
13.	Failing to provide logbook at regulated plant site	33(1)	$397.71
14.	Failing to record required information in logbook	33(2)	$397.71
15.	Failing to sign logbook	33(2)	$397.71
16.	Failing to keep logbook for 12 months from date of last entry	33(4)	$397.71
17.	Using electronic logbook without approval	34(1)	$397.71
18.	Failing to provide notice of incident no later than 24 hours after incident (specify)	36	$397.71
19.	Performing regulated work without PE licence that authorizes work	37(1)	$685.21
20.	Employing or permitting person to perform regulated work without PE licence that authorizes work	37(2)	$685.21
21.	Failing to provide PE licence when requested by PE inspector	39(1)	$397.71

N.S. Reg. 18/2011
Made: January 27, 2011
Filed: January 31, 2011
Prescribed Petroleum Products Prices

Order dated January 27, 2011
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order **NSUARB-GAS-W-11-04**

In the Matter of the *Petroleum Products Pricing Act*

- and -

In the Matter of Prescribing Prices for Petroleum Products pursuant to Section 14 of the *Petroleum Products Pricing Act* and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Before: Kulvinder S. Dhillon, P. Eng., Member

Order

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board ("Board") considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended January 26, 2011, are:

Grade 1 Regular gasoline	64.1¢ per litre
Ultra-low-sulfur diesel oil	70.0¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	64.1¢ per litre
Grade 2	67.1¢ per litre
Grade 3	70.1¢ per litre
Ultra-low-sulfur diesel oil	70.0¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	nil
Ultra-low-sulfur diesel oil:	plus 0.6¢ per litre

And whereas a winter blending adjustment of plus 4.3¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule "A" effective on and after 12:01 a.m., January 28, 2011.

Dated at Halifax, Nova Scotia, this 27th day of January, 2011.

Sgd: *Elaine Wagner*
Clerk of the Board

Schedule "A"

Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on January 28, 2011

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	70.4	10.0	15.5	95.9	114.9	116.6	114.9	999.9
Mid-Grade Unleaded	73.4	10.0	15.5	98.9	118.3	120.1	118.3	999.9
Premium Unleaded	76.4	10.0	15.5	101.9	121.8	123.5	121.8	999.9
Ultra-Low-Sulfur Diesel	81.2	4.0	15.4	100.6	120.3	122.0	120.3	999.9
Zone 2								
Regular Unleaded	70.8	10.0	15.5	96.3	115.3	117.1	115.3	999.9
Mid-Grade Unleaded	73.8	10.0	15.5	99.3	118.8	120.5	118.8	999.9
Premium Unleaded	76.8	10.0	15.5	102.3	122.2	124.0	122.2	999.9
Ultra-Low-Sulfur Diesel	81.6	4.0	15.4	101.0	120.8	122.5	120.8	999.9
Zone 3								
Regular Unleaded	71.3	10.0	15.5	96.8	115.9	117.6	115.9	999.9
Mid-Grade Unleaded	74.3	10.0	15.5	99.8	119.4	121.1	119.4	999.9
Premium Unleaded	77.3	10.0	15.5	102.8	122.8	124.5	122.8	999.9
Ultra-Low-Sulfur Diesel	82.1	4.0	15.4	101.5	121.3	123.1	121.3	999.9
Zone 4								
Regular Unleaded	71.3	10.0	15.5	96.8	115.9	117.6	115.9	999.9
Mid-Grade Unleaded	74.3	10.0	15.5	99.8	119.4	121.1	119.4	999.9
Premium Unleaded	77.3	10.0	15.5	102.8	122.8	124.5	122.8	999.9
Ultra-Low-Sulfur Diesel	82.1	4.0	15.4	101.5	121.3	123.1	121.3	999.9
Zone 5								
Regular Unleaded	71.3	10.0	15.5	96.8	115.9	117.6	115.9	999.9
Mid-Grade Unleaded	74.3	10.0	15.5	99.8	119.4	121.1	119.4	999.9
Premium Unleaded	77.3	10.0	15.5	102.8	122.8	124.5	122.8	999.9
Ultra-Low-Sulfur Diesel	82.1	4.0	15.4	101.5	121.3	123.1	121.3	999.9
Zone 6								
Regular Unleaded	72.1	10.0	15.5	97.6	116.8	118.6	116.8	999.9
Mid-Grade Unleaded	75.1	10.0	15.5	100.6	120.3	122.0	120.3	999.9
Premium Unleaded	78.1	10.0	15.5	103.6	123.7	125.5	123.7	999.9
Ultra-Low-Sulfur Diesel	82.9	4.0	15.4	102.3	122.2	124.0	122.2	999.9