



Regulated vs Non Regulated Confined Spaces?

Many companies spend a great deal of time discussing the definition of what is a confined space. The term is somewhat of a contradiction in itself and it is interpreted in so many different ways. Some sites will call one area a confined space only to have a neighbouring site say it is not. We have confined spaces, restricted spaces, Class A, B, or C spaces, as well as permit required and non permit required spaces. So just what is a confined space?

In Ontario, Regulations under the Occupational Health and Safety Act (851, 213, etc.) define a confined space as:

"confined space" means a fully or partially enclosed space,

- (a) that is not both designed and constructed for continuous human occupancy, and
- (b) in which *atmospheric hazards* (our italics) may occur because of its construction, location or contents or because of work that is done in it;

"atmospheric hazards" means,

- (a) the accumulation of flammable, combustible or explosive agents,
- (b) an oxygen content in the atmosphere that is less than 19.5 per cent or more than 23 per cent by volume, or
- (c) the accumulation of atmospheric contaminants, including gases, vapours, fumes, dusts or mists, that could,
 - (i) result in acute health effects that pose an immediate threat to life, or
 - (ii) interfere with a person's ability to escape unaided from a confined space;

The key is the word "and" after point (a) in the definition. In Ontario, you must have a hazardous atmosphere in order to have a confined space.

In addition, there are other areas that do not have a hazardous atmosphere but are still regulated. For instance, Regulation 851(Industrial), Section 50 states "A silo, bin, hopper, structure, container or thing that is not a confined space for which the requirements of section 119 apply, and that is used for storing or containing bulk material ...". Or, Regulation 67/93 (Health Care), Section 42. (1) that states "(i)n this section, "restricted space" means a tank, vat, vessel, duct, vault, boiler or other space from which the egress of a worker is restricted, limited or impeded because of the construction, design, location or other physical characteristics of the space." These regulated areas (covered by the confined space or other sections), dictate very prescriptive safeguards and/or controls that are needed to enter these spaces.

So, what happens when the atmosphere issue is taken care of, is it still a confined space? If the only issue is limited access or egress, do we follow the regulations? These are the many "grey" areas that

evolve when implementing the required safeguards. The Confined Space Guide published by the Ministry of Labour recognizes these “grey” or non regulated spaces. On page #13, paragraph 3, the document states “(n)ote that even if a space might not be a confined space under the regulations, the employer must take every precaution reasonable in the circumstances to protect workers entering the space”. The problem is, the requirements of the regulated areas, don’t always solve the issues of these spaces that don’t meet the regulatory definition of a confined space. So many hours of discussion goes into these non regulated areas.

To help solve this problem, the Canadian Standards Association developed and published the Z1006 Standard - “Managing Confined Spaces”. This document states a confined space is:

A work space having all the following characteristics:

- (a) is fully or partially enclosed;
- (b) is not designed or intended for continuous human occupancy; and
- (c) has limited or restricted entry and exit that can complicate provisions of first aid, evacuation, rescue or other emergency response services.

Note: Every confined space is considered hazardous unless a competent person, through risk assessment, has determined it not to be hazardous.

This voluntary compliance standard, which is not a regulation, provides a much broader definition and includes more spaces. However, the requirements provide the employer greater flexibility when selecting and/or deploying safeguards to adequately protect the worker. It also provides reassurance for the employee that the employer will have a rescue plan in place.

So in summary there are spaces that have specific requirements outlined in the Regulation which we refer to as Regulated Confined Spaces. There are also areas (eg. crawlspaces, machinery voids, etc.) that do not meet the Regulatory definitions but do meet the CSA Z1006 definition. These we will refer to as Non Regulated Confined Spaces.

Definition Coverage Comparison (Ontario Regulations vs CSA Z1006)

(thick black line represents all different types of confined spaces)

