

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

3RD SESSION, 41ST LEGISLATURE, ONTARIO
67 ELIZABETH II, 2018

Bill 66

An Act prohibiting the use of asbestos

Mr. R. Bailey

Private Member's Bill

1st Reading April 30, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill bans the use, reuse, import, transport or sale of asbestos in Ontario. It also requires the Ministry of Labour to create a Register of all provincially owned or leased buildings containing asbestos, and for that Register to be updated from time to time as work to remove asbestos from buildings listed on the Register is completed.

An Act prohibiting the use of asbestos

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1 In this Act,

“asbestos” means any of the following fibrous silicates:

1. Actinolite.
2. Amosite.
3. Anthophyllite.
4. Chrysotile.
5. Crocidolite.
6. Tremolite; (“amiante”)

“Minister” means the Minister of Labour or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“provincially owned or leased building” means,

- (a) a building owned or leased by the Crown,
- (b) a building owned or leased by a Crown agent or an agency, board or commission of the Government of Ontario, and
- (c) a building owned or leased by an entity that forms part of the broader public sector within the meaning of subsection 1.0.19 (2) of the *Financial Administration Act*; (“bâtiment dont la Province est propriétaire ou locataire”)

“record” means any collection of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes any data that is recorded or stored on any medium in or by a computer system or similar device as well as drawings, specifications or floor plans for an enclosed workplace; (“dossier”)

“Register” means the Asbestos Buildings Register described in subsection 3 (1); (“registre”)

“regulations” means the regulations made under this Act. (“règlements”)

Prohibitions

2 (1) No person shall use, reuse, import, transport or sell asbestos in Ontario.

Same

(2) No person shall cause or permit the use, reuse, import, transport or sale of asbestos in Ontario.

Exception

(3) Subsections (1) and (2) do not apply to existing products containing asbestos if the person does not know the product contains asbestos.

Offence

(4) A person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine in the amount prescribed by the regulations.

Asbestos Buildings Register

3 (1) The Minister shall establish and maintain an Asbestos Buildings Register listing all provincially owned or leased buildings containing asbestos.

Duty to provide report

(2) Each owner or lessee of a provincially owned or leased building shall provide the Minister with a report within the time period specified by the regulations, stating whether the building contains asbestos and if so, stating,

- (a) the name and mailing address of the owner or lessee, respectively;
- (b) the municipal address of the building, if it has one;
- (c) a description of the location of the building, if it does not have a municipal address; and
- (d) details of where asbestos is contained in the building, if that is the case.

Duty to report updates

(3) Any person who does work or plans to do work on a provincially owned or leased building to reduce asbestos in the building shall notify the owner of the building, who shall, within the time period specified by the regulations, provide a report on the work to the Minister that meets the requirements of subsection (2).

Updating the Register

(4) On receiving a report under subsection (2) or (3), the Minister shall update the Register and publish a copy of the updated Register on a Government of Ontario website.

Offence

(5) A person who contravenes subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine in the amount prescribed by the regulations.

Inspections

4 (1) The Minister may appoint inspectors for the purposes of this Act.

Right of entry

(2) For the purpose of determining whether this Act is being complied with, an inspector may, after receiving a complaint made to the Ministry, enter and inspect a provincially owned or leased building.

No use of force

(3) An inspector is not entitled to use force to enter and inspect a building.

Identification

(4) An inspector conducting an inspection shall produce, on request, evidence of his or her appointment.

Powers

(5) An inspector conducting an inspection may,

- (a) examine a record or other thing that is relevant to the inspection;
- (b) demand the production for inspection of a record or other thing that is relevant to the inspection;
- (c) remove for review and copying a record or other thing that is relevant to the inspection;
- (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;
- (e) remove a sample of a substance or any other thing that is relevant to the inspection or take a specimen that is relevant to the inspection;
- (f) question a person on matters relevant to the inspection; and
- (g) if he or she finds that an employer is not complying with subsection 2 (1) or (2), direct the employer or a person whom the inspector believes to be in charge to comply with the provision and require the direction to be carried out forthwith or within the period of time that the inspector specifies.

Form of demand

(6) A demand that a record or other thing be produced for inspection must be in writing and must include a statement of the nature of the record or thing required.

Duty to comply

(7) If an inspector demands that a record or other thing be produced for inspection, the person who has custody of the record or thing shall produce it and, in the case of a record, shall on request provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form.

Removal of records and things

- (8) If an inspector removes a record or other thing for review and copying, the inspector shall,
- (a) make it available to the person from whom it was removed, on request and at a time and place that are convenient for the person and for the inspector; and
 - (b) return it to the person within a reasonable time.

Admissibility in evidence

- (9) A copy of a record that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

No obstruction

- (10) No person shall hinder, obstruct or interfere with an inspector conducting an inspection, refuse to answer questions on matters relevant to the inspection or provide the inspector with information, on matters relevant to the inspection, that the person knows to be false or misleading.

Offence

- (11) A person who contravenes subsection (7) or (10) is guilty of an offence and on conviction is liable to a fine in the amount prescribed by the regulations.

Regulations

5 The Minister may make regulations,

- (a) specifying a time period for the purposes of subsection 3 (2) or (3);
- (b) exempting persons or classes of persons from subsection 3 (2) or (3);
- (c) governing the administration of the Register;
- (d) prescribing an amount of fine for the purposes of subsection 2 (4), 3 (5) or 4 (11);
- (e) prescribing forms for the purposes of this Act and providing for their use.

Commencement

6 This Act comes into force on the day it receives Royal Assent.

Short title

7 The short title of this Act is the *Asbestos Use Prohibition Act, 2018*.