

LEGISLATIVE INTERPRETATIONS

Topic: Confined Space – Definition 1	Issued by: V.P., WorkSafe Services
Statute: General Regulation 91-191	Date Issued: September 8, 1997
Section: 262	Date Revised:

262 “confined space” means an enclosed or partially enclosed space not designed or intended for continuous human occupancy with restricted access or egress and which is or may become hazardous to a person entering it because of its design, construction, location, atmosphere or the materials or substances in it or other conditions, but does not include a development heading in an underground mine:

Question:

1. Are all four of the elements in the definition required, or must only one be present?
2. Can a confined space that fits the definition, be taken out from under the definition after certain precautions are taken?

Answer:

1. Yes, all four elements are required because they are linked with the word “and”. The confined space must:
 - be enclosed or partially enclosed
 - be not designed or intended for continuous human occupancy
 - have restricted access or egress and
 - potentially become hazardous because of design, construction, location, atmosphere or the materials or substances in it or other conditions.
2. Yes, in certain circumstances. Take a confined space that fits all four criteria in the definition. Assess the hazard (for example, tank which could fill with water). Prepare the code of practice. Disconnect the water pipe.

Reassess the hazard. The job no longer fits the definition of a confined space, and the procedures in the code of practice should be sufficient.

NOTE: The example used deals with water, which is relatively harmless (aside from drowning, which the disconnection prevents). In a large percentage of confined space entries, it will NEVER be possible to eliminate the hazard and the above approach will not be satisfactory. For example, in sewers or where pipes could leak caustic or deadly gases, there can never be any certainty about eliminating the hazard and the regulation would have to be followed in full.

