

2003/07/15-02

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

RE: Amendments to various sections of the *Occupational Health and Safety Regulation* (B.C. Reg. 296/97, as amended) and the *Regulations for Agricultural Operations* (B.C. Reg. 146/93, as amended), pertaining to reducing duplication and redundancy

WHEREAS:

Pursuant to section 225(1) of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492 and amendments thereto (the "*Act*"), the Workers' Compensation Board (the "WCB") may make regulations the WCB considers necessary or advisable in relation to occupational health and safety and occupational environment;

AND WHEREAS:

The WCB, pursuant to its mandate under the *Act*, has proposed amendments to relevant sections of the *Occupational Health and Safety Regulation* (the "*OHSR*") and the *Regulations for Agricultural Operations* (the "*RAO*") to reduce duplication and redundancy, and to address the WCB's restricted jurisdiction in aircraft operations;

AND WHEREAS:

The WCB has given notice of the proposed amendments and held a public hearing on the proposed amendments in accordance with section 226(1) of the *Act*;

AND WHEREAS:

The Board of Directors, after due consideration of all submissions to the WCB, considers it necessary and advisable in accordance with the WCB's mandate under the *Act* in relation to occupational health and safety and occupational environment to amend sections of the *OHSR* and *RAO* to

streamline the regulations and to reflect the WCB's restricted jurisdiction in aircraft operations;

AND WHEREAS:

Pursuant to the Provincial Government's Regulatory Reform Policy, the Board of Directors has evaluated the proposed regulatory amendments according to the established regulatory criteria;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The regulatory amendments to various sections of the *OHSR* and *RAO* as set out in Appendices A to J are approved.
2. The Regulatory Criteria Checklist in Appendix K is approved.
3. The above amendments to the *OHSR* and *RAO* will be deposited with the Registrar of Regulations in such form as may be required by the Registrar.
4. The above amendments to the *OHSR* and *RAO* come into force 90 days after their deposit under the *Regulations Act*.

DATED at Richmond, British Columbia, July 15, 2003.

By the Workers' Compensation Board

**DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS**

THE BOARD OF DIRECTORS RESOLVES THAT:

- 1** *Section 4.4 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is renumbered as 4.4 (1) and the following is added:*
 - (2) When this Regulation requires a person to comply with
 - (a) a publication, code or standard of the board or another agency, the person may, as an alternative, comply with another publication, code or standard acceptable to the board, or
 - (b) practices, procedures or rules of the board or another agency, the person may, as an alternative, comply with another practice, procedure or rule acceptable to the board.
- 2** *Section 4.35 is amended*
 - (a) *by repealing subsection (1), and*
 - (b) *in subsection (2) by adding “installed in a workplace” after “door”.*
- 3** *Section 4.36 (1) is repealed.*
- 4** *The following sections are amended by striking out “or other standard acceptable to the board”*
 - section 4.82 (2) (a);*
 - section 8.24 (1) (a);*
 - section 8.33 (1);*
 - section 12.51;*
 - section 14.64 (2);*
 - section 16.7;*
 - section 19.9 (1);*
 - section 24.13 (1) (a);*
 - section 30.12 (3);*
 - section 31.17 (1).*
- 5** *The following sections are amended by striking out “, or other standard acceptable to the board”*
 - section 4.68 (1);*
 - section 4.72 (1) (b);*
 - section 4.72 (2) and (3);*
 - section 8.15 (1) and (3);*
 - section 8.21 (2);*
 - section 8.24 (2) and (3);*
 - section 8.37;*
 - section 9.20 (1);*

section 12.22;
section 12.24 (3);
section 12.44;
section 12.72 (1);
section 12.74 (1) and (2);
section 14.30 (1);
section 15.57;
section 16.9 (2);
section 16.11 (1);
section 16.13 (1) and (3);
section 16.14 (2);
section 16.21 (2);
section 16.32 (1);
section 20.17 (1);
section 20.123;
section 22.28 (1);
section 22.34;
section 22.76 (a);
section 22.85 (3);
section 22.110 (4);
section 23.10 (4);
section 23.32 (1);
section 23.64 (1);
section 23.88 (1) and (2);
section 24.21 (1);
section 24.52;
section 30.26 (5);
section 31.13 (2);
section 31.16.
section 31.17 (3);
section 31.21;
section 31.22 (2);
section 31.24 (1);
section 31.29 (2);
section 31.33;

section 31.34 (2);

section 31.37 (1) and (2).

- 6 *Section 5.71 (2) is amended by striking out “, unless otherwise specified in a standard acceptable to the board”.*
- 7 *Section 6.1 is amended in the definition of “asbestos-containing material” by striking out “, x-ray diffraction or other analytical technique acceptable to the board” and substituting “or x-ray diffraction;”.*
- 8 *Section 8.11 (2) is amended*
 - (a) *by repealing paragraphs (b) and (c) and substituting:*
 - (b) *ANSI Standard Z89.1-1986, American National Standard for Personnel Protection – Protective Headwear for Industrial Workers Requirements, or*
 - (c) *Japanese Industrial Standard JIS T8131 - 1990, Industrial Safety Helmets, for Class AB or ABE headgear., and*
 - (b) *by repealing paragraph (d).*
- 9 *Section 8.12 (1) is amended*
 - (a) *by adding “or” to the end of paragraph (c),*
 - (b) *by striking out, “or” at the end of paragraph (d), and*
 - (c) *by repealing paragraph (e).*
- 10 *Section 8.13 (1) is amended*
 - (a) *by adding “or” to the end of paragraph (b),*
 - (b) *by striking out, “or” at the end of paragraph (c), and*
 - (c) *by repealing paragraph (d).*
- 11 *Section 8.17 (2) is amended*
 - (a) *by adding “or” to the end of paragraph (a),*
 - (b) *by striking out, “or” at the end of paragraph (b), and*
 - (c) *by repealing paragraph (c).*
- 12 *Section 8.22 (3) is amended*
 - (a) *by adding “or” to the end of paragraph (c),*
 - (b) *by striking out, “or” at the end of paragraph (d), and*
 - (c) *by repealing paragraph (e).*
- 13 *Section 8.27 is amended*
 - (a) *by adding “or” to the end of paragraph (c),*
 - (b) *by striking out, “or” at the end of paragraph (d), and*
 - (c) *by repealing paragraph (e).*

14 *Section 8.28 is amended by striking out “section 8.27(a), (c), (d) or (e)” and substituting “section 8.27(a), (c) or (d)”.*

15 *Section 12.3 is repealed and the following substituted:*

Standards

12.3 The application, design, construction and use of safeguards, including an opening in a guard and the reach distance to a hazardous part, must meet the requirements of *CSA Standard Z432-94, Safeguarding of Machinery*.

16 *Section 12.7 is repealed.*

17 *Section 12.29 (d) is repealed.*

18 *Section 12.83 is amended*

- (a) by adding “or” to the end of paragraph (a),*
- (b) by striking out, “or” at the end of paragraph (b), and*
- (c) by repealing paragraph (c).*

19 *Section 14.2 is amended*

- (a) in subsection (1)*
 - (i) by striking out “Part” and substituting “Regulation”, and*
 - (ii) by striking out “or other standard acceptable to the board”, and*
- (b) in subsection (2), by repealing paragraph (a) and substituting:*
 - (a) for electrical components and functions, CSA Standard C22.1-94, Canadian Electrical Code, Part 1, Section 40 and CSA Standard C22.2 No. 33-M1984 (Reaffirmed 1992), Construction and Test of Electric Cranes and Hoists, and*

20 *Section 14.77 (1) (a) and (2) (a) are amended by striking out “or other method acceptable to the board”.*

21 *Section 15.30 is repealed and the following substituted:*

Standards

15.30 Unless otherwise required by this Regulation, wire rope, alloy steel chain, metal mesh, synthetic fibre rope and synthetic fibre web slings must meet the requirements of *ASME B30.9-1990, Slings*.

22 *Section 16.23 (d) is repealed.*

23 *Section 19.8 (1) is amended*

- (a) by adding “or” to the end of paragraph (a),*
- (b) by striking out, “or” at the end of paragraph (b), and*
- (c) by repealing paragraph (c).*

24 *Section 20.82 (2) is amended by striking out “, or other grading rules acceptable to the board”.*

APPENDIX A – STANDARDS ACCEPTABLE TO THE BOARD

25 *Section 22.110 (2) is amended by striking out “, or other equivalent national or international standards acceptable to the board”.*

26 *Section 31.14 is amended*

(a) by adding “or” to the end of paragraph (a),

(b) by striking out, “or” at the end of paragraph (b), and

(c) by repealing paragraph (c).

27 *The above amendments come into force 90 days after their deposit under the Regulations Act.*

DATED at Richmond, British Columbia, July 15, 2003.

By the Workers’ Compensation Board

*DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS*

THE BOARD OF DIRECTORS RESOLVES THAT:

1 *Section 3.6 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed.*

2 *Section 4.3 is repealed and the following substituted:*

Safe machinery and equipment

- 4.3** (1) The employer must ensure that each tool, machine and piece of equipment in the workplace is
- (a) capable of safely performing the functions for which it is used, and
 - (b) selected, used and operated in accordance with
 - (i) the manufacturer’s recommendations and instructions, if available,
 - (ii) safe work practices, and
 - (iii) the requirements of this Regulation.
- (2) Unless otherwise specified by this Regulation, the installation, inspection, testing, repair and maintenance of a tool, machine or piece of equipment must be carried out
- (a) in accordance with the manufacturer’s instructions and any standard the tool, machine or piece of equipment is required to meet, or
 - (b) as specified by a professional engineer.
- (3) A tool, machine or piece of equipment determined to be unsafe for use must be identified in a manner which will ensure it is not inadvertently returned to service until it is made safe for use.
- (4) Unless otherwise specified by this Regulation, any modification of a tool, machine or piece of equipment must be carried out in accordance with
- (a) the manufacturer’s recommendations and instructions, if available,
 - (b) safe work practices, and
 - (c) the requirements of this Regulation.

3 *Section 5.36 (1) is amended*

- (a) by adding “and” to the end of paragraph (a),*
- (b) by striking out “, and” at the end of paragraph (b), and*
- (c) by repealing paragraph (c).*

4 *Section 5.42 is repealed.*

5 *Section 5.93 is amended*

- (a) by striking out the marginal note and substituting “Testing”, and*
- (b) by repealing subsections (1) and (3).*

6 *Section 6.15 (a) is amended by striking out “and is used according to the glove bag manufacturer’s instructions,”.*

7 *Section 6.19 (2) is repealed.*

8 Section 6.128 (3) is repealed and the following substituted:

- (3) Monitoring and alarm systems must be,
 - (a) tested at least monthly for proper operation, and
 - (b) calibrated at least annually,by authorized personnel using procedures acceptable to the board.

9 Section 6.132 is amended by striking out “and is scheduled and performed in accordance with the manufacturer’s instructions”.

10 Section 8.3 (1) (a) is amended by striking out “the manufacturer’s instructions and”.

11 Section 8.29 is repealed and the following substituted:

Automatically inflatable lifejackets

8.29 If automatically inflatable lifejackets are used, the employer must keep a record of all inspections made and maintenance performed on them.

12 Section 9.26 is amended

- (a) by repealing subsection (1), and
- (b) in subsection (2), by striking out

“, using reliable equipment that is properly serviced, calibrated and maintained in accordance with the instructions of the manufacturer of the equipment”.

13 Section 12.9 is repealed.

14 Section 12.21 (2) is repealed.

15 Section 12.46 (1) and (4) are repealed.

16 Section 12.50 is repealed.

17 Section 12.56 is amended

- (a) in subsection (1), by striking out “and authorized”, and
- (b) by repealing subsection (3).

18 Section 12.75 is amended by striking out “according to the manufacturer’s recommendations”.

19 Section 12.82 (4) is repealed.

20 Section 12.107 is repealed.

21 Section 12.112 is repealed and the following substituted:

Standards

12.112 Welding, cutting and similar processes must be carried out according to the requirements of *CSA Standard W117.2-94, Safety in Welding, Cutting, and Allied Processes*.

APPENDIX B – MANUFACTURER’S INSTRUCTION

- 22 *Section 12.120 is amended by striking out “, and in accordance with the manufacturer’s instructions”.*
- 23 *Section 12.144 (1) is repealed and the following substituted:*
(1) Dry cleaning systems and equipment must be designed, installed, operated and maintained to prevent the escape of solvent.
- 24 *Section 14.67 is amended*
(a) *by striking out the marginal note and substituting “Outriggers”, and*
(b) *by repealing subsections (1) and (3).*
- 25 *Section 14.92 (3) is repealed and the following substituted:*
(3) Tower crane operations must stop when a load cannot be handled safely because of wind.
- 26 *Section 15.4 (1) is repealed.*
- 27 *Section 15.13 is repealed.*
- 28 *Section 15.19 is amended*
(a) *by repealing subsection (1), and*
(b) *by amending subsection (2) by striking out “onto the drum” and substituting “when spooling the rope onto a drum”.*
- 29 *Section 15.22 is amended*
(a) *by repealing subsection (1), and*
(b) *in subsection (2), by adding “for installing and using wire rope clips” after “specifications”.*
- 30 *Section 15.24 (2) is repealed.*
- 31 *Section 15.35 is repealed.*
- 32 *Section 16.48 (6) is repealed.*
- 33 *Section 16.52 is amended*
(a) *by repealing subsection (1), and*
(b) *by striking out the marginal note and substituting “Use on sloping ground”.*
- 34 *Section 17.17 is amended*
(a) *by adding “and” to the end of paragraph (a), and*
(b) *by repealing paragraph (b).*
- 35 *Section 19.43 (1) is repealed.*
- 36 *Section 20.22 (2) is repealed.*

37 Section 20.41 is amended

- (a) by striking out the marginal note and substituting** “Use of a placing boom”, **and**
- (b) by repealing subsections (1) and (2).**

38 Section 20.42 is amended

- (a) by repealing subsection (1),**
- (b) in subsection (2), by striking out** “The pipe wall thickness” **and substituting** “The wall thickness of pipe mounted on a concrete placing boom or mast”, **and**
- (c) by repealing subsection (3) and substituting:**
 - (3) Pipe sections must be replaced when thickness measurements indicate that wall thickness has been reduced to the limits specified by the manufacturer.

39 Section 20.56 (1) is repealed and the following substituted:

- (1) The plans and specifications for tilt-up panel erection and bracing must ensure that the load to be imposed on each lifting and bracing insert and anchor during panel lifting, moving and bracing will not exceed
 - (a) if a working load limit for the insert or anchor is not specified by the manufacturer, a maximum working load on the component determined by dividing the manufacturer’s guaranteed minimum failure load by the applicable safety factor required by subsection (2) or (3), or
 - (b) if the working load limit or the manufacturer’s guaranteed minimum failure load is not available, a maximum working load determined by calculating the ultimate load capacity in accordance with accepted engineering practice and the *BC Building Code*, and dividing this value by the applicable safety factor required by subsection (2) or (3).

40 Section 20.66 (1) is repealed.

41 Section 20.77 is amended by striking out “the manufacturer’s instructions and”.

42 Section 20.84 is repealed.

43 Section 20.85 (6) is repealed.

44 Section 21.64 is amended

- (a) by striking out the marginal note and substituting** “Capacity of blasting machines”.
- (b) by repealing subsection (1), and**
- (c) in subsection (2), by striking out** “the blasting machine must” **and substituting** “a blasting machine must”.

45 Section 22.30 (3) is repealed and the following substituted:

- (3) Calibrations of testing equipment must be recorded in the Underground Record.

- 46 *Section 22.88 is amended*
- (a) *by adding “and” to the end of paragraph (a),*
 - (b) *by striking out “, and” at the end of paragraph (b), and*
 - (c) *by repealing paragraph (c).*
- 47 *Section 22.121 (1) is repealed.*
- 48 *Section 22.123 is repealed.*
- 49 *Section 22.130 (1) is repealed.*
- 50 *Section 23.16 (7) is repealed.*
- 51 *Section 23.19 (2) is repealed.*
- 52 *Section 23.21 (7) is repealed.*
- 53 *Section 23.23 (1) is repealed.*
- 54 *Section 23.39 (3) is amended by striking out “in accordance with the manufacturer’s specification”.*
- 55 *Section 23.69 (10) is repealed.*
- 56 *Section 24.28 is amended by striking out “meet the manufacturer’s recommended diameter to length ratio and must”.*
- 57 *Section 26.12 is repealed.*
- 58 *Section 26.16 is amended*
- (a) *by repealing subsection (1), and*
 - (b) *by repealing subsection (2) and substituting:*
 - (2) *If the manufacturer’s maximum slope operating stability limit for equipment is not known, written procedures that have been developed specifically for the worksite to ensure machine stability must be followed when the equipment is used on slopes.*
 - (c) *in subsection (3), by striking out “If the information specified in subsection (1) or (2)” and substituting “If the manufacturer’s information and information under subsection (2)”*
- 59 *Section 26.33 is amended*
- (a) *in subsection (2), by striking out “manufacturer’s specifications and the”, and*
 - (b) *in subsection (5), by striking out “, and maintained in accordance with the manufacturer’s specifications”.*
- 60 *Section 26.97 is repealed.*

61 Section 27.10 is amended

(a) by repealing paragraph (b), and

(b) in paragraph (c), by striking out “and repaired as required by the manufacturer, or as specified by a professional engineer.”.

62 Section 27.27 is repealed.

63 Section 30.2 is repealed and the following substituted:

Equipment operation

30.2 Operators of laboratory equipment must be adequately instructed and trained in the safe use of laboratory equipment and the precautions to be taken when the equipment is used.

64 Section 30.4 is amended

(a) in subsection (1), by striking out “, or other standard acceptable to the board”, and

(b) by repealing subsection (2).

65 Section 30.10 (3) is repealed and the following substituted:

(3) Ducting used in the installation of a fume hood must be designed in accordance with established engineering principles.

66 Section 30.13(6) is repealed.

67 Section 31.18 is amended

(a) in subsection (2), by striking out “, or other standard acceptable to the board”, and

(b) in subsection (3), by striking out “, and must be maintained as required by the manufacturer’s instructions”.

68 Section 31.26 is amended

(a) in subsection (1), by striking out “in accordance with the manufacturer’s instructions”,

(b) in subsection (2), by striking out “, or other standard acceptable to the board”,

(c) in subsection (3), by striking out “, or other standard acceptable to the board”, and

(d) in subsection (4), by striking out “, or other standard acceptable to the board”.

69 Section 32.3 is amended

(a) in subsection (2), by striking out “, Canadian Standards Association, or other standard acceptable to the board”, and substituting “or Canadian Standard Association”, and

(b) by repealing subsection (3).

70 Section 32.6 is amended

(a) by striking out the marginal note and substituting “Maintenance records”, and

(b) by repealing subsection (1).

APPENDIX B – MANUFACTURER'S INSTRUCTION

71 The above amendments come into force 90 days after their deposit under the Regulations Act.

DATED at Richmond, British Columbia, July 15, 2003.

By the Workers' Compensation Board

*DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS*

THE BOARD OF DIRECTORS RESOLVES THAT:

- 1 Section 1 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by repealing the definition of “rated capacity” or “rated load” and substituting:**

“rated capacity” or “rated load” means the load that machinery or a piece of equipment is, in accordance with its design, rated to bear under section 4.8;

- 2 Section 4.8 is amended**

(a) by repealing subsection (1) and substituting:

(1) Unless provided elsewhere in this Regulation, the rated capacity or rated load of a machine or piece of equipment is that specified by the manufacturer of the machine or piece of equipment based on its design.

(b) in subsection (2)

(a) by adding “or rated load” after “rated capacity”, and

(b) by adding “or rated load” after “rated capacity” in paragraphs (b) and (c).

- 3 Section 12.79 is amended**

(a) by striking out the marginal note and substituting “Rated capacity”,

(b) in subsection (1), by striking out “load”,

(c) by repealing subsection (2), and

(d) by repealing subsection (3) and substituting:

(3) If the rated capacity of a device listed in subsection (1) is dependent on the concurrent use of 2 or more devices, the number of devices required to achieve the rated capacity must be clearly marked on the devices.

- 4 Section 14.4 is repealed and the following substituted:**

Rated capacity

14.4 The rated capacity of a crane or hoist must not be exceeded.

- 5 Section 15.1 is amended by repealing the definition of “working load limit or WLL”**

- 6 Section 20.115 is repealed.**

- 7 Section 23.17 (1) is repealed and the following substituted:**

(1) Pipe racks and tubs must be placed on a level and firm surface.

- 8 Section 23.31 is amended**

(a) by adding “and” to the end of paragraph (a),

(b) by striking out “, and” at the end of paragraph (b), and

(c) by repealing paragraph (c).

- 9 Section 26.31 is repealed.**

APPENDIX C – LOAD CAPACITY

10 Section 26.66 is amended by repealing subsection (3) and substituting:

- (3) Stakes, extensions and stake lines must be installed and maintained so that the angle between bunks and stakes does not exceed 90° when loaded.

11 The above amendments come into force 90 days after their deposit under the Regulations Act.

DATED at Richmond, British Columbia, July 15, 2003.

By the Workers' Compensation Board

**DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS**

THE BOARD OF DIRECTORS RESOLVES THAT:

- 1 *Section 4.29 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended*
 - (a) *by adding “and” to the end of paragraph (a),*
 - (b) *by striking out, “and” at the end of paragraph (b), and*
 - (c) *by repealing paragraph (c).*
- 2 *Section 4.31 is amended*
 - (a) *by repealing subsections (1) and (2), and*
 - (b) *by striking out the marginal note and substituting “Advice to consult physician”.*
- 3 *Section 4.59 is amended*
 - (a) *by striking out the marginal note and substituting “Floor and roof openings”, and*
 - (b) *in subsection (1) by adding “with a cover of adequate size and strength” after “covered”.*
- 4 *Section 6.12 is amended*
 - (a) *by repealing subsection (1), and*
 - (b) *in subsection (2), by striking out “also”.*
- 5 *Section 9.17 is repealed and the following substituted:*

Lockout

- 9.17 Before a worker enters a confined space, any material conveyance equipment that transports material to or from the space must be free of material if the material could present a hazard.
- 6 *Section 9.46 is repealed.*
- 7 *Section 12.8 is repealed.*
- 8 *Section 12.14 (1) is repealed.*
- 9 *Section 12.26 is repealed.*
- 10 *Section 12.33 is repealed.*
- 11 *Section 14.47 (2) is repealed.*
- 12 *Section 14.53 is repealed.*
- 13 *Section 14.63 is repealed.*
- 14 *Section 16.38 (2) is repealed.*
- 15 *Section 16.54 (1) is amended by striking out “headgear and”.*
- 16 *Section 17.6 (a) is repealed.*

- 17 *Section 18.10 (b) is repealed.*
- 18 *Section 20.8 is repealed.*
- 19 *Section 20.11 is repealed.*
- 20 *Section 20.53 is repealed.*
- 21 *Section 21.84 (4) is amended*
 - (a) *by adding “and” to the end of paragraph (b),*
 - (b) *by striking out “and” at the end of paragraph (c), and*
 - (c) *by repealing paragraph (d).*
- 22 *Section 22.146 (1) is repealed.*
- 23 *Section 23.22 is amended by striking out “In addition to the requirements of Part 16 (Mobile Equipment), a” and substituting “A”.*
- 24 *Section 23.47 (4) is amended by striking out “if there is a danger from tools, materials, equipment and debris falling off the edge onto travelled walkways, or”.*
- 25 *Section 24.43 (c) is amended by striking out “and must meet the intake requirements specified in section 24.28”.*
- 26 *Sections 24.94 and 24.95 are repealed.*
- 27 *Section 26.7 (3) is repealed.*
- 28 *Section 26.9 is repealed.*
- 29 *Section 26.20 (1) and (2) are repealed and the following substituted:*
 - (2) *If a forestry operation is conducted at night the sources of illumination provided under Part 4 (General Conditions) must be located and directed so that shadows and glare are minimized.*
- 30 *Section 26.54 is amended by striking out “or on a slope contrary to the requirements of section 26.16”.*
- 31 *Section 26.81 is amended by striking out “bridges” and substituting “bridges, elevated truck weigh scales and associated elevated ramp approaches,”.*
- 32 *Section 26.84 (1) is repealed.*
- 33 *Section 30.6 (2) is repealed.*
- 34 *Section 32.1 is repealed.*

35 The above amendments come into force 90 days after their deposit under the Regulations Act.

DATED at Richmond, British Columbia, July 15, 2003.

By the Workers' Compensation Board

*DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS*

THE BOARD OF DIRECTORS RESOLVES THAT:

- 1 *Section 4.15 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed.*
- 2 *Section 4.58 (1) is amended by striking out “meet the requirements of the BC Building Code and”.*
- 3 *Section 6.36 (5) is repealed.*
- 4 *Section 8.30 is repealed and the following substituted:*

Retroreflective material

8.30 Personal flotation devices and lifejackets must have at least 200 sq cm (32 sq in) of white or silver retroreflective material fitted on surfaces that are normally above the water surface.

- 5 *Section 12.113 is repealed.*
- 6 *Section 12.133 is repealed and the following substituted:*

Control of ignition sources

12.133 A ventilation system used to control airborne contaminants must have electrical and mechanical systems designed to control all potential ignition sources.

- 7 *Section 14.60 is repealed.*
- 8 *Section 17.3 (1) and (2) are repealed and the following substituted:*
 - (1) When feasible, a vehicle used to transport workers must have seats with full seat backs and seat belts must be of the 3 point variety
- 9 *Section 17.15 is repealed.*
- 10 *Section 17.26 (1) and (2) are repealed and the following substituted:*
 - (1) A boat or other vessel operated in navigable waters from sunset to sunrise, or in conditions of restricted visibility, must be equipped with deck and cabin lighting and the lighting must be used, if necessary, to provide safe levels of illumination aboard the vessel.
- 11 *Section 19.2 is repealed.*
- 12 *Section 19.11 (2) is repealed.*
- 13 *Section 19.14 (1) is repealed.*
- 14 *Section 19.17 (2) is repealed.*
- 15 *Section 20.79 (2) is repealed and the following substituted:*
 - (2) Excavation or drilling work in proximity to an underground service must be undertaken in conformity with the requirements of the owner of the service.

16 *Section 21.6 is repealed.*

17 *Section 21.26 is repealed.*

18 *Section 21.29 is repealed and the following substituted:*

Safe operation

21.29 A person operating a vehicle that is transporting explosives

- (a) must operate the vehicle in a safe manner, consistent with prevailing road and weather conditions, and
- (b) must not drive faster than 90 km/h (55 mph).

19 *Section 21.35 is amended by repealing subsection (3).*

20 *Section 22.40 is amended*

- (a) *by adding “and” to the end of paragraph (a),*
- (b) *by striking out, “and” at the end of paragraph (b), and*
- (c) *by repealing paragraph (c).*

21 *Section 22.54 is amended*

- (a) *by repealing paragraph (b),*
- (b) *by adding “and” to the end of paragraph (d),*
- (c) *by striking out “and” at the end of paragraph (e), and*
- (d) *by repealing paragraph (f).*

22 *Section 22.160 is amended*

- (a) *by repealing subsection (2) (a), and*
- (b) *in subsection (2), by striking out “, or as otherwise specified by the board”.*

23 *Section 23.3 is repealed.*

24 *Section 23.12 (1) (c) is amended*

- (a) *by striking out “the Gas Safety Act or the Pipeline Act and”,*
- (b) *by repealing sub-paragraph (ii) and substituting:*
 - (ii) *API Recommended Practice 520, Sizing, Selection, and Installation of Pressure-Relieving Devices in Refineries, Part I – Sizing and Selection (July 1990, 5th Edition) and (Part II – Installation November 1988, 3rd Edition), or*
- (c) *by striking out, “or” at the end of subparagraph (iv), and*
- (d) *by repealing subparagraph (v).*

25 Section 24.27 is repealed and the following substituted:

Breathing apparatus

24.27 (1) All breathing apparatus and associated delivery systems must be correctly installed and tested for function before each use.

(2) The breathing apparatus, accessories and applicable service records must be available for inspection by an officer, and service records must be available to workers on the dive site.

26 Section 24.30 (b) is amended by striking out “, and the international code flag “Alpha” must be flown if required by the authority having jurisdiction”.

27 Section 26.85 (1) is repealed and the following substituted:

(1) A boat used in or about a forestry operation must be maintained in good mechanical and seaworthy condition.

28 Section 26.86 is amended

(a) in subsection (1) (d), by striking out “or other standard acceptable to the board”, and

(b) by repealing subsection (2) (a).

29 Section 30.3 is repealed.

30 Section 30.5 (1) is repealed.

31 Section 30.19 is amended

(a) by repealing subsection (1) and substituting:

(1) Laboratory waste must be disposed of in a manner which ensures that workers are protected from injury., **and**

(b) by repealing subsection (2).

32 The above amendments come into force 90 days after their deposit under the Regulations Act.

DATED at Richmond, British Columbia, July 15, 2003.

By the Workers’ Compensation Board

DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS

THE BOARD OF DIRECTORS RESOLVES THAT:

- 1 Section 6.81 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended**
 - (a) in paragraph (b), by striking out “and authorized”, and**
 - (b) in paragraph (c), by striking out “equipment manufacturer and”.**
- 2 Section 6.121 is amended**
 - (a) by striking out the marginal note and substituting “Education and training”,**
 - (b) by adding “and” to the end of paragraph (a),**
 - (c) by striking out “, and” at the end of paragraph (b), and**
 - (d) by repealing clause (c).**
- 3 Section 12.137 is repealed.**
- 4 Section 14.34 (1) is amended by striking out “and authorized”.**
- 5 Section 14.108 is amended by striking out “and must be authorized to operate the equipment”.**
- 6 Section 16.4 is amended**
 - (a) by adding “and” to the end of paragraph (c),**
 - (b) by striking out “, and” at the end of paragraph (d), and**
 - (c) by repealing paragraph (e).**
- 7 Section 22.128 (1) is repealed.**
- 8 The above amendments come into force 90 days after their deposit under the Regulations Act.**

DATED at Richmond, British Columbia, July 15, 2003.

By the Workers’ Compensation Board

DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS

THE BOARD OF DIRECTORS RESOLVES THAT:

- 1 Section 20.18 (2) of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by striking out “by their supervisor”.*
- 2 Section 22.12 (2) is amended by striking out “and who has a knowledge of this Regulation in regard to the supervisor’s responsibilities”.*
- 3 Section 24.8 is repealed.*
- 4 Section 24.18(1) is amended*
 - (a) by adding “and” to the end of paragraph (d),*
 - (b) by striking out, “,and” at the end of paragraph (e), and*
 - (c) by repealing paragraph (f).*
- 5 The above amendments come into force 90 days after their deposit under the Regulations Act.*

DATED at Richmond, British Columbia, July 15, 2003.

By the Workers’ Compensation Board

*DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS*

THE BOARD OF DIRECTORS RESOLVES THAT:

- 1** *Section 17.27 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed.*
- 2** *Section 21.85 (1) is repealed and the following substituted:*
21.85 (1) Explosive charges must not be placed manually on site by workers or projected by any means for the purpose of avalanche control, until the proposed work procedures have been submitted to and accepted by the board.
- 3** *Section 29.1 is repealed.*
- 4** *Section 29.4 is repealed.*
- 5** *Sections 29.6, 29.7 and 29.8 are repealed.*
- 6** *Sections 29.13, 29.14 and 29.15 are repealed.*
- 7** *Sections 29.18 and 29.19 are repealed.*
- 8** *Sections 29.21 and 29.22 are repealed.*
- 9** *Section 29.23 is repealed and the following substituted:*

Flagpersons

- 29.23** A flagperson who may be exposed to pesticide spray or drift must wear protective clothing covering the head, body, hands and feet, and a respirator appropriate for the pesticide being applied.

- 10** *The above amendments come into force 90 days after their deposit under the Regulations Act.*

DATED at Richmond, British Columbia, July 15, 2003.

By the Workers' Compensation Board

DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS

THE BOARD OF DIRECTORS RESOLVES THAT:

- 1 Sections 52, 53 and 54 of the Regulations for Agricultural Operations, B.C. Reg 146/93 are repealed.*
- 2 These amendments come into force 90 days after deposit under the Regulations Act.*

DATED at Richmond, British Columbia, July 15, 2003.

By the Workers' Compensation Board

*DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS*

THE BOARD OF DIRECTORS RESOLVES THAT:

1 Section 4.5 the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended

(a) by adding “and” to the end of paragraph (a),

(b) by repealing paragraph (b) and substituting

(b) the supplier has provided sufficient information to identify the standard or standards to which the tool, machine or equipment has been manufactured., **and**

(c) by repealing paragraph (c).

2 Section 12.77 is repealed and the following substituted:

Inspection and maintenance records

12.77 The employer must keep a maintenance and inspection record for each automotive lift or hoist.

3 Section 14.85 is repealed and the following substituted:

Clearance and freedom to slew

14.85 A tower crane must at all times

(a) have a minimum vertical clearance of 1 m (3.3 ft) and lateral clearance of 30 cm (1 ft) between any component of the tower crane and any obstruction, under all load conditions, and

(b) be able to slew 360 degrees, unless otherwise specified by the crane manufacturer.

4 Section 14.86 is repealed.

5 Section 16.3 is amended by repealing subsections (1), (2), and (4).

6 Section 22.74 (1) is repealed.

7 Section 22.141 is repealed.

8 Section 23.45 is amended

(a) by repealing subsection (1), and

(b) in subsection (2), by striking out “subsection (1)” and substituting “section 13.12 (1)”.

9 The above amendments come into force 90 days after their deposit under the Regulations Act.

DATED at Richmond, British Columbia, July 15, 2003.

By the Workers’ Compensation Board

DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS

REGULATORY CRITERIA CHECKLIST

A. BACKGROUND

The provincial government introduced a new Regulatory Reform Policy ("Policy") on March 11, 2002. The Policy is intended to "support the government's commitment to reducing the regulatory burden in British Columbia by one-third over three years." The Policy applies to all proposed legislation and regulations.

The Policy requires the Chair of the Board of Directors to ensure that proposed regulations are evaluated according to regulatory criteria set out in the Policy, and to sign and make public the "Regulatory Criteria Checklist" ("Checklist") when regulations are enacted. The criteria are designed to ensure that all new regulations are results-based and contribute to a more competitive regulatory environment.

The Policy provides for exemptions from the Checklist if the head of the regulatory agency certifies that, in his or her opinion, the regulation satisfies one or more of the following conditions:

- Is non-regulatory in nature;
- Changes fees in respect of a financial year by an annual rate that has been approved by Treasury Board;
- Relates only to the procedures or practices of a court or tribunal;
- Is required under a national uniform legislation or regulatory scheme or by federal legislation that has already been assessed against criteria similar to that provided in the Checklist;
- Is fundamentally declaratory or machinery in nature such as housekeeping changes that clarify or correct a provision without changing procedural requirements;
- Provides for the commencement of an *Act* or regulation or the commencement of a provision of an *Act* or regulation;
- Is consolidated and reviewed under the reversion powers in Part 2 of the *Regulations Act*;
- Is transitional in nature;
- The special circumstances of the case, as identified by the responsible minister or head of the regulatory authority, make it impracticable to comply with the Regulatory Criteria.

The regulatory amendments to reduce duplication and redundancy in occupational health and safety regulations and to address the WCB's restricted jurisdiction in aircraft operations do not meet the criteria for an exemption from the Checklist.

B. REGULATORY AMENDMENTS

Prior to the amendments, the *Occupational Health and Safety Regulation* (“OHSR”) contained nearly 13,000 regulatory requirements. There was repetition and duplication of requirements in a number of areas of the OHSR.

In October 1998, the British Columbia Supreme Court (“BCSC”) issued a decision which restricts the WCB’s jurisdiction in regulating the activities of workers who work in and around aircraft operations. The BCSC found that a ground crew, employed by a federally chartered aeronautics firm, was within federal occupational health and safety jurisdiction. The ground crew attached and detached loads of logs in a company heli-yrading operation.

The OHSR and the *Regulations for Agricultural Operation* contained a number of requirements governing the health and safety of workers who work in and around aircraft operations.

The regulatory amendments reduce duplication and redundancy in the OHSR, and reflect the WCB’s restricted jurisdiction in aircraft operations.

The regulatory amendments are intended to:

- streamline occupational health and safety regulations, and at the same time maintain a reasonable standard for protection of worker health and safety, and
- address the WCB’s restricted jurisdiction in aircraft operations.

C. EXPLANATORY NOTES

1. Reverse Onus: Need for Regulation is Justified

Regulatory requirements are necessary to protect worker health and safety. Streamlining requirements to remove duplication and redundancy reduces the “bulk of the regulation, serving to enhance its user-friendliness.

2. Regulatory Design is Results-Based

Streamlined regulatory requirements are intended to assist in achieving compliance and regulatory objectives.

3. Transparent Development of Regulatory Requirements

Section 226 of the *Workers Compensation Act* (“Act”) requires that before making a regulation under Part 3, the WCB must give notice of the proposed regulation in the *BC Gazette* and at least three newspapers, and must hold at least one public hearing on the proposed regulation.

On February 21, 2003 notice of the public hearing was published in *The Vancouver Sun*, *The Vancouver Province*, the *Prince George Citizen*, the *Victoria Times-Colonist*, and in Part 1 of the *BC Gazette*. Notice was also provided on the WCB's website.

The public hearings were held in Prince George on March 25, 2003 and in Richmond on March 27, 2003. In addition to the oral hearing process, written submissions were accepted until April 10, 2003.

A total of 50 submissions were received providing specific comment on the proposal to reduce duplication and redundancy in the *OHSR*. 64% of the total number of submissions expressed support for the proposed regulatory amendments. Generally, the submissions provided in opposition to the proposed amendments questioned the need for reducing duplication and redundancy in the *OHSR*.

The concerns raised during the public hearing process were represented in the options presented to the Board of Directors for decision.

4. Cost-Benefit Analysis Completed

A formal cost-benefit analysis was not considered necessary because the amendments merely reduce duplication and redundancy in the regulations. Amendments to address the court decision that restricts the WCB's jurisdiction in aircraft operations remove certain regulatory requirements, which have been determined to be under federal jurisdiction.

5. Competitive Analysis Completed

A formal competitive analysis was not considered necessary. The regulatory amendments streamline occupational health and safety requirements.

6. Avoid or Eliminate Duplication with Other Jurisdictions

The amendments do not duplicate requirements imposed by other regulatory jurisdictions.

7. Timeliness of Regulatory Response

Notice of changes to regulations must be deposited with the Registrar of Regulations and, pursuant to section 227 of the *Act*, may only come into force at least 90 days after their deposit under the *Regulations Act*.

The 90-day time period is considered sufficient to ensure successful implementation of the new requirements.

The amended regulation will be made available on the WCB's website and notice of the changes will also appear in the *Worksafe* magazine.

8. Plain Language

The amendments are drafted in plain language.

9. Sunset Review and Expiry Provisions

A sunset review and expiry provision is not required. Section 228 of the *Act* requires the WCB to undertake a process of ongoing review of and consultation on its regulations to ensure that they are consistent with current workplace practices, technological advances and other changes affecting occupational health and safety and occupational environment.

10. Replacement Principle Applied

The amendments result in a reduction of 552 regulatory requirements.

GOVERNMENT OF BRITISH COLUMBIA REGULATORY REFORM REGULATORY CRITERIA CHECKLIST

Title of Legislation/Regulation* *Occupational Health and Safety Regulation*

**If Regulation, Title of Authorizing Legislation: Workers Compensation Act*

Purpose of Proposal (One-Line Summary): Amendments to reduce duplication and redundancy in occupational health and safety regulations

If the answer is “No” for any of the criteria, please attach explanation.

Regulatory Criteria	Criteria Met	
1. Reverse Onus: Need for Regulation is Justified	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Regulatory Design is Results-Based	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
3. Transparent Development of Regulatory Requirements	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
4. Cost- Benefit Analysis	Formal Cost-Benefit Analysis Completed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Required If <i>Not Required</i> , Impacts have been Analyzed <input type="checkbox"/> Yes <input type="checkbox"/> No	
5. Competitive Analysis Completed	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Regulatory Requirements Avoid or Eliminate Duplication with Other Jurisdictions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
7. Timeliness of Regulatory Response	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
8. Plain Language	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
9. Sunset Review and Expiry Provisions	Sunset Review provision <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Sunset Expiry provision <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10. Replacement Principle Applied	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Number of Regulatory Requirements to be added:

Number of Regulatory Requirements to be eliminated:

NET CHANGE: 552

Douglas J. Enns, Chair
Board of Directors

Date

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Workers' Compensation Board